

Thursday
October 15, 1998

**Now Available Online via
*GPO Access***

Free online access to the official editions of the *Federal Register*, the *Code of Federal Regulations* and other Federal Register publications is available on *GPO Access*, a service of the U.S. Government Printing Office at:

<http://www.access.gpo.gov/nara/index.html>

For additional information on *GPO Access* products, services and access methods, see page II or contact the *GPO Access* User Support Team via:

- ★ Phone: toll-free: 1-888-293-6498
- ★ Email: gpoaccess@gpo.gov

Attention: Federal Agencies

Plain Language Tools Are Now Available

The Office of the Federal Register offers Plain Language Tools on its Website to help you comply with the President's Memorandum of June 1, 1998—Plain Language in Government Writing (63 FR 31883, June 10, 1998). Our address is: <http://www.nara.gov/fedreg>

For more in-depth guidance on the elements of plain language, read "Writing User-Friendly Documents" on the National Partnership for Reinventing Government (NPR) Website at: <http://www.plainlanguage.gov>



The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <http://www.nara.gov/fedreg>.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at <http://www.access.gpo.gov/nara>. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$555, or \$607 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is \$220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$8.00 for each issue, or \$8.00 for each group of pages as actually bound; or \$1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 63 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:
 Paper or fiche 202-512-1800
 Assistance with public subscriptions 512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:
 Paper or fiche 512-1800
 Assistance with public single copies 512-1803

FEDERAL AGENCIES

Subscriptions:
 Paper or fiche 523-5243
 Assistance with Federal agency subscriptions 523-5243

NOW AVAILABLE ONLINE

The October 1998 Office of the Federal Register Document Drafting Handbook

Free, easy online access to the newly revised October 1998 Office of the Federal Register Document Drafting Handbook (DDH) is now available at:

<http://www.nara.gov/fedreg/draftres.html>

This handbook helps Federal agencies to prepare documents for publication in the **Federal Register**.

For additional information on access, contact the Office of the Federal Register's Technical Support Staff.

Phone: 202-523-3447

E-mail: info@fedreg.nara.gov



Printed on recycled paper.

Contents

Federal Register

Vol. 63, No. 199

Thursday, October 15, 1998

Agriculture Department

See Forest Service
See Grain Inspection, Packers and Stockyards
Administration
See Natural Resources Conservation Service

Air Force Department

NOTICES

Meetings:
Scientific Advisory Board, 55372

Army Department

NOTICES

Privacy Act:
Systems of records, 55372–55373

Census Bureau

NOTICES

Meetings:
African American, American Indian and Alaska Native,
Asian and Pacific Islander, and Hispanic Populations
Census Advisory Committees, 55360
American Indian and Alaska Native Populations Census
Advisory Committee, 55360–55361

Centers for Disease Control and Prevention

NOTICES

Trademarks, Government-owned; availability for licensing,
55397–55398

Civil Rights Commission

NOTICES

Americans with Disabilities Act; hearing, 55359

Coast Guard

NOTICES

Meetings:
Chemical Transportation Advisory Committee, 55422

Commerce Department

See Census Bureau
See Export Administration Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:
Bulgaria, 55368–55369
China, 55369
Korea, 55369–55370
Nepal, 55371
Special access and special regime programs; participation
denial:
Ezrasons, Inc., 55371

Comptroller of the Currency

RULES

Federal Deposit Insurance Act:
Safety and soundness standards, 55486–55489
Year 2000 guidelines, 55479–55486

Customs Service

RULES

Financial and accounting procedures:
Harbor maintenance fee; exporters liability removed
Correction, 55332–55333

NOTICES

Automation program test:
Account-based declaration prototype, 55426

Defense Department

See Air Force Department
See Army Department
See Defense Logistics Agency
See Navy Department

NOTICES

Grants and cooperative agreements; availability, etc.:
Institutions of higher education ineligible for Federal
funds; list, 55371–55372

Defense Logistics Agency

NOTICES

Privacy Act:
Systems of records, 55373–55375

Education Department

NOTICES

Agency information collection activities:
Submission for OMB review; comment request, 55375–
55376
Grants and cooperative agreements; availability, etc.:
Freely-associated States educational grant program,
55491–55493
Model professional development national awards
program, 55495–55496

Energy Department

See Energy Research Office
See Federal Energy Regulatory Commission

Energy Research Office

NOTICES

Meetings:
High Energy Physics Advisory Panel, 55377

Environmental Protection Agency

NOTICES

Meetings:
State FIFRA Issues Research and Evaluation Group,
55387
Pesticide programs:
Registration Division (1999 FY) workplan, 55387–55388

Export Administration Bureau

NOTICES

Meetings:
Information Systems Technical Advisory Committee,
55361

Federal Aviation Administration

RULES

Airworthiness directives:
Bob Fields Aerocessories, 55321–55324

British Aerospace, 55325–55327
Mooney Aircraft Corp., 55324–55325
Raytheon Aircraft Co., 55327–55328

Class E airspace, 55329–55332

PROPOSED RULES

Airworthiness directives:

Airbus, 55352–55354
Boeing, 55343–55345
British Aerospace, 55350–55352
Dassault, 55348–55350
Fokker, 55345–55346
Saab, 55346–55348

Class E airspace, 55354–55355

NOTICES

Advisory circulars; availability, etc.:

Air crewmember qualifications; briefing material, 55422–55423

Meetings:

RTCA, Inc., 55423

Federal Communications Commission

RULES

Common carrier services:

Access charges—
Special access lines; presubscribed interexchange carrier charge; ceiling increases postponed, 55334–55336

NOTICES

Meetings:

Telecommunications mergers; En Banc hearings, 55389

Federal Deposit Insurance Corporation

RULES

Federal Deposit Insurance Act:

Safety and soundness standards, 55486–55489
Year 2000 guidelines, 55479–55486

Federal Election Commission

NOTICES

Meetings; Sunshine Act, 55389

Federal Energy Regulatory Commission

NOTICES

Electric rate and corporate regulation filings:

Consolidated Water Power Co. et al., 55383–55385

Environmental statements; availability, etc.:

Summit Hydropower, Inc., 55385

Environmental statements; notice of intent:

Northwest Pipeline Corp., 55385–55387

Applications, hearings, determinations, etc.:

Caprock Pipeline Co., 55377

Kentucky West Virginia Gas Co., L.L.C., 55377–55378

KN Interstate Gas Transmission Co., 55378

KN Wattenberg Transmission L.L.C., 55378–55379

Michigan Gas Storage Co., 55379

MIGC, Inc., 55379

Mississippi River Transmission Corp., 55379

NorAm Gas Transmission Co., 55380

Nora Transmission Co., 55379–55380

Northern Natural Gas Co., 55380–55381

Select Energy, Inc., 55381

TCP Gathering Co., 55381

Transcontinental Gas Pipe Line Corp., 55381–55382

Tuscarora Gas Transmission Co., 55382

Viking Gas Transmission Co., 55382

Williston Basin Interstate Pipeline Co., 55382

Federal Maritime Commission

NOTICES

Freight forwarder licenses:

Milam Cargo, Inc., et al., 55389

Federal Reserve System

RULES

Federal Deposit Insurance Act:

Safety and soundness standards, 55486–55489

Year 2000 guidelines, 55479–55486

NOTICES

Banks and bank holding companies:

Formations, acquisitions, and mergers, 55389–55390

Permissible nonbanking activities, 55390

Federal Trade Commission

NOTICES

Premerger notification waiting periods; early terminations, 55391–55397

Food and Drug Administration

NOTICES

Human drugs:

Patent extension; regulatory review period determinations—

Aldara (4,689,338), 55398–55399

Reports and guidance documents; availability, etc.:

Non-contraceptive estrogen class labeling; industry guidance, 55399–55400

Forest Service

NOTICES

Meetings:

Northwest Sacramento Provincial Advisory Committee, 55359

Geological Survey

NOTICES

Federal Geographic Data Committee:

Biological nomenclature and taxonomy data standard, 55402

Grant and cooperative agreement awards:

Texaco Group Inc., 55402

Grain Inspection, Packers and Stockyards Administration

RULES

General regulations:

Official agency definition; CFR correction, 55321

Health and Human Services Department

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

Housing and Urban Development Department

RULES

Low income housing:

Housing assistance payments (Section 8)—

Multifamily housing mortgage and housing assistance restructuring program (mark-to-market program), etc.; correction, 55333

Immigration and Naturalization Service

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 55411–55412

Interior Department

See Geological Survey
See Land Management Bureau
See Minerals Management Service
See National Park Service
See Reclamation Bureau

Internal Revenue Service**RULES**

Income taxes:

Euro currency conversion; tax issues guidance for U.S. taxpayers conducting business with European countries replacing their currencies
Correction, 55333

PROPOSED RULES

Income taxes:

Earned income credit (EIC) eligibility requirements; cross reference
Hearing cancelled, 55355

NOTICES

Agency information collection activities:

Proposed collection; comment request, 55426–55427

Income taxes:

Form 1040PC program discontinuance for tax years 1999 and beyond; comment request, 55427

International Trade Administration**NOTICES**

Antidumping and countervailing duties:

Automatic liquidation regulation for resellers; comment request, 55361–55364

Critical circumstances determinations; policy change regarding timing of issuance, 55364–55365

International Trade Commission**NOTICES**

Import investigations:

Coated optical waveguide fibers and products containing same, 55406–55407

Electric rubber tape from—

India, 55407

Five-year sunset reviews—

Steel jacks from Canada, et al., 55407–55408

Justice Department

See Immigration and Naturalization Service

NOTICES

Pollution control; consent judgments:

Akzo Coatings, Inc., et al., 55408

Calaveras Cement Co., 55408–55409

ConAgra, Inc., 55409

Lake Geneva Associates et al., 55409–55410

Lightman, Jerome, et al., 55410

Navajo Refining Co., 55410

North American Galvanizing Co. et al., 55410–55411

Occidental Chemical Corp. et al., 55411

Land Management Bureau**NOTICES**

Alaska Native claims selection:

Eyak Corp., 55402

Organization, functions, and authority delegations:

Montana/Dakotas; office reorganization and name change, 55402–55403

Realty actions; sales, leases, etc.:

Idaho, 55403–55404

Resource management plans, etc.:

Otero and Sierra Counties, NM, 55404–55405

Maritime Administration**NOTICES***Applications, hearings, determinations, etc.:*

Chrysler Corp., 55423–55424

Minerals Management Service**NOTICES**

Outer Continental Shelf operations:

Production suspension due to uneconomic market conditions, guidelines; notice to lessees and operators; rescission, 55405

National Highway Traffic Safety Administration**NOTICES**

Meetings:

Safety performance standards—

Vehicle regulatory program, 55424

National Institutes of Health**NOTICES**

Meetings:

National Heart, Lung, and Blood Institute, 55400

Scientific Review Center, 55400–55401

Women's Health Research Advisory Committee, 55401

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pacific cod, 55340–55341

Pollock, 55342

Trawl gear in the Gulf of Alaska, 55341–55342

Tuna, Atlantic bluefin fisheries, 55339–55340

PROPOSED RULES

Fishery conservation and management:

Northeastern United States fisheries—

Mid-Atlantic Fishery Management Council et al.; meetings, 55355–55357

New England Fishery Management Council; meetings, 55357

Northeastern United States fisheries and American lobster—

Vessels issued limited access Federal fishery permits; regulatory consistency in permit provisions, 55357–55358

NOTICES

Agency information collection activities:

Proposed collection; comment request, 55365

Environmental statements; notice of intent:

Tortugas Ecological Reserve, Florida Keys National Marine Sanctuary, FL; meetings, 55365–55366

Meetings:

Alaska; fisheries of Exclusive Economic Zone—

Steller sea lions and pollock fisheries; avoiding interactions in Gulf of Alaska and Bering Sea/Aleutian Islands region, 55366

International Commission for Conservation of Atlantic Tunas, U.S. Section Advisory Commission, 55367

National Park Service**NOTICES**

Environmental statements; availability, etc.:

Redwood National and State Parks, CA, 55405–55406

Natural Resources Conservation Service**NOTICES**

Field office technical guides; changes:

Connecticut and Rhode Island, 55359

Navy Department**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 55375

Nuclear Regulatory Commission**NOTICES**

Meetings:

Reactor Safeguards Advisory Committee, 55413–55414

Sealed source and device evaluation and approval authority
relinquishment by Arkansas and reassumption by NRC,
55414–55415*Applications, hearings, determinations, etc.:*

International Uranium (USA) Corp., 55412

O'Hern, Shaun P., 55412–55413

Patent and Trademark Office**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 55367–55368

Pension Benefit Guaranty Corporation**RULES**

Single-employer plans:

Allocation of assets—

Interest assumptions for valuing benefits, 55333–55334

NOTICES

Multiemployer and single-employer plans:

Interest rates and assumptions, 55415–55416

Personnel Management Office**RULES**

Acquisition regulations:

Health benefits, Federal employees—

Improving carrier performance; conforming changes,
55336–55339**Postal Service****RULES**

Domestic Mail Manual:

Automated flats; new specifications, 55471–55478

NOTICES

Privacy Act:

Systems of records, 55416–55418

Public Health Service

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

Railroad Retirement Board**NOTICES**

Meetings; Sunshine Act, 55418

Reclamation Bureau**NOTICES**

Environmental statements; notice of intent:

Central Valley Project, CA, 55406

Research and Special Programs Administration**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 55424–55426

Securities and Exchange Commission**NOTICES***Applications, hearings, determinations, etc.:*

Scudder Global Fund, Inc., et al., 55418–55421

State Justice Institute**NOTICES**Grants, cooperative agreements, and contracts; guidelines,
55429–55469

Meetings; Sunshine Act, 55421

Textile Agreements Implementation CommitteeSee Committee for the Implementation of Textile
Agreements**Thrift Supervision Office****RULES**

Federal Deposit Insurance Act:

Safety and soundness standards, 55486–55489

Year 2000 guidelines, 55479–55486

Transportation Department

See Coast Guard

See Federal Aviation Administration

See Maritime Administration

See National Highway Traffic Safety Administration

See Research and Special Programs Administration

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 55421–
55422**Treasury Department**

See Comptroller of the Currency

See Customs Service

See Internal Revenue Service

See Thrift Supervision Office

United States Information Agency**NOTICES**

Art objects; importation for exhibition:

Treasures of Russia from Peterhof-Summer Palace of the
Czars, 55427**Veterans Affairs Department****NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 55428

Separate Parts In This Issue

Part II

State Justice Institute, 55429–55469

Part III

Postal Service, 55471–55478

Part IV

Department of Treasury, Comptroller of the Currency;
Federal Reserve System; Federal Deposit Insurance
Corporation; Office of Thrift Savings, 55479–55489

Part V

Department of Education, 55491–55493

Part VI

Department of Education,, 55495–55496

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR

80055321

12 CFR

30 (2 documents)55462,
55468
20855462
26355462,
55468
364 (2 documents)55462,
55468
570 (2 documents)55462,
55468

14 CFR

39 (4 documents)55321,
55324, 55325, 55327
71 (5 documents)55329,
55330, 55331

Proposed Rules:

39 (6 documents)55343,
55345, 55346, 55348, 55350,
55352
7155354

19 CFR

2455332

24 CFR

40155333
40255333

26 CFR

155337

Proposed Rules:

155355

29 CFR

404455333

39 CFR

11155454

47 CFR

6955334

48 CFR

160955336
163255336
165255336

50 CFR

28555339
679 (5 documents)55340,
55341, 55342

Proposed Rules:

648 (3 documents)55355,
55357
64955357

Rules and Regulations

Federal Register

Vol. 63, No. 199

Thursday, October 15, 1998

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyard Administration

7 CFR Part 800

General Regulations

CFR Correction

In Title 7 of the Code of Federal Regulations, parts 700 to 899, revised as of Jan. 1, 1998, page 456, § 800.0 paragraph (b)(59) is corrected to read as follows:

§ 800.0 Meaning of terms.

* * * * *

(b) * * *

(59) *Official agency.* Any State or local government agency, or any person, designated by the Administrator pursuant to subsection (f) of section 7 of the Act for the conduct of official inspection (other than appeal inspection), or subsection (c) of section 7A of the Act for the conduct of Class X or Class Y weighing (other than review of weighing).

* * * * *

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-88-AD; Amendment 39-10844; AD 98-21-21]

RIN 2120-AA64

Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98-21-21, which was sent previously to all known U.S. owners and operators of aircraft equipped with Bob Fields Aerocessories inflatable door seals installed in accordance with the applicable supplemental type certificate (STC). These inflatable door seals could also be installed on aircraft through field approval. This AD requires either de-activating the electric door seal inflation system; fabricating and installing a placard specifying that the system is inoperative; and inserting a copy of the AD into the Limitations Section of the airplane flight manual (AFM); or removing all provisions of the Bob Fields Aerocessories inflatable door seals installation, and installing original equipment manufacturer door seals or an FAA-approved equivalent that is of different design than the referenced Bob Fields Aerocessories inflatable door seals. The AD resulted from occurrences of overheated components associated with the electric door seal inflation system on aircraft equipped with the affected inflatable door seals. The actions specified by this AD are intended to prevent smoke and a possible fire in the cockpit caused by overheating of the electric door seal inflation systems, which could result in passenger injury.

DATES: Effective October 30, 1998, to all persons except those to whom it was made immediately effective by priority letter AD 98-21-21, issued October 2, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before December 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 98-CE-88-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Information related to this AD may be examined at the FAA at the address referenced above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul S. Wells, Jr., Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone: (562) 627-5354; facsimile: (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Discussion

On October 2, 1998, the FAA issued priority letter AD 98-21-21, which applies to aircraft equipped with Bob Fields Aerocessories inflatable door seals installed in accordance with either the applicable supplemental type certificate (STC) or through field approval. This AD requires either:

- de-activating the electric door seal inflation system; fabricating and installing a placard specifying that the system is inoperative; and inserting a copy of the AD into the Limitations Section of the airplane flight manual (AFM); or
- removing all provisions of the Bob Fields Aerocessories inflatable door seals installation, and installing original equipment manufacturer door seals or an FAA-approved equivalent that is of different design than the referenced Bob Fields Aerocessories inflatable door seals.

That AD resulted from numerous reported occurrences of overheated components associated with the electric door seal inflation system on aircraft equipped with Bob Fields Aerocessories inflatable door seals installed in accordance with the applicable supplemental type certificate (STC).

One of the above-referenced occurrences resulted in a safety recommendation from the National Transportation Safety Board (NTSB). In this incident, an in-flight electrical fire caused the pilot of a Cessna Model P210N to initiate an emergency descent with a successful landing and only minor airplane damage. NTSB investigation revealed that the fire originated on the cabin sidewall, under the left side of the instrument panel and resulted in burned vinyl, plastic, and insulation material. An overheated resistor used in an electric door seal inflation system caused the fire. The resistor was used to reduce the 28-volt aircraft electrical system's voltage to meet the power requirements of the door seal system's 14-volt air pump motor.

The inflatable door seals on this airplane were installed in accordance with STC SA4212WE, which the FAA issued to Bob Fields Aerocessories. The purpose of the seals is to decrease in-flight cabin noise caused by ill-fitting cabin doors. The FAA has issued

numerous other STC's that allow this installation on other make and model airplanes. In addition, these Bob Fields Aerocessories inflatable door seals could be installed on aircraft through field approvals.

All of the aircraft involved in the occurrences incorporate Bob Fields Aerocessories inflatable door seals. Investigation results of three other occurrences reveal the following:

- An electric door seal inflation pump that was mounted on the forward side of the nose bulkhead was found heavily charred;
- The pump assembly and resistors of the electric door seal inflation system were partially melted; and
- Vinyl, plastic, and insulation material in the proximity of the electric door seal inflation system were found burned.

Further analysis of all of these occurrences revealed leaks in the Bob Fields Aerocessories inflatable door seals. Each electric door seal inflation system consists of an electric motor, an air pump, inflatable silicon door seals, a pressure sensing switch, an air supply control valve, a resistor assembly, a 7.5-amp in-line fuse, a caution light, and electrical wiring. The motor draws power directly from the airplane's battery bus and is used to inflate the door seals to a pressure of about 10 pounds per square inch (psi). A sensor in the air pump determines when the pressure drops below 10 psi, at which time the air pump motor starts back up again until obtaining proper pressure. The standard time period for the air pump to inflate the door seal is about 4 to 12 seconds. During this time, the caution light remains illuminated.

If the door seal has a small leak, the pump turns on and off to maintain the desired inflation pressure. When this small leak develops to a larger leak, the air pump may run continuously to keep the door seal inflated. This could cause the resistors or the air pump motor to overheat. This would cause smoke and a possible fire in the cockpit.

The FAA's Determination and Explanation of the AD

Since an unsafe condition has been identified that is likely to exist or develop in other aircraft equipped with Bob Fields Aerocessories inflatable door seals installed in accordance with either the applicable supplemental type certificate (STC) or through field approval, the FAA issued priority letter AD 98-21-21 to prevent smoke and a possible fire in the cockpit caused by overheating of the electric door seal inflation systems, which could result in passenger injury.

Determination of the Effective Date of the AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on October 2, 1998, to all known U.S. operators of aircraft equipped with the affected inflatable door seals that were installed in accordance with the applicable STC. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-CE-88-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

98-21-21 Bob Fields Aerocessories:

Amendment 39-10844; Docket No. 98-CE-88-AD.

Applicability: Inflatable door seals, installed either in accordance with the applicable supplemental type certificate (STC) or through field approval, that are installed on, but not limited to, the following aircraft:

Affected STC	Make and model aircraft affected
SA3735NM	Cessna Models 170, 170A, and 170B Airplanes.
SA4136WE	Cessna Models 310, 310A, 310B, 310C, 310D, 310E, 310F, 310G, 310H, 310I, 310J, 310K, 310L, 310N, 310P, 310Q, 310R, T310P, T310Q, and T310R Airplanes.
SA2226NM	Cessna Models P210N and P210R Airplanes.
SA3736NM	Cessna Models 185, 185A, 185B, 185C, 185D, A185E, and A185F Airplanes.
SA4177WE	Cessna Models 175, 175A, 175B, and 175C Airplanes.
SA4212WE	Cessna Models 210, 210A, 210B, 210C, 210D, 210E, 210F, 210G, 210H, 210J, 210K, 210L, 210M, 210N, T210F, T210G, T210H, T210J, T210K, T210L, T210M, T210N, 210-5 (205), and 210-5A (205A) Airplanes.
SA4213WE	Cessna Models 310, 310A, 310B, 310C, 310D, 310F, 310G, 310H, 310I, 310J, 310K, 310L, 310N, 310P, 310Q, 310R, T310P, T310Q, and T310R Airplanes.
SA4283WE	Cessna Models 172, 172A, 172B, 172C, 172D, 172E, 172F, 172G, 172H, 172I, 172K, 172L, 172M, and 172N Airplanes.
SA4284WE	Cessna Models 180, 180A, 180B, 180C, 180D, 180E, 180F, 180G, 180H, 180J, and 180K Airplanes.
SA4285WE	Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, R182, and TR182 Airplanes.
SA4286WE	Cessna Models 206, P206, P206A, P206B, P206C, P206D, P206E, TP206A, TP206B, TP206C, TP206D, TP206E, U206, U206A, U206B, U206C, U206D, U206E, U206F, U206G, TU206A, TU206B, TU206C, TU206D, TU206E, TU206F, and TU206G Airplanes.
SA4287WE	Cessna Models 320, 320A, 320B, 320C, 320D, 320E, 320F, and 320-1 Airplanes.
SA4180WE	Raytheon (Beech) Models H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 35-33, 35-A33, 35-B33, 35-C33, 35-C33A, E33, E33A, E33C, F33, F33A, F33C, G33, 36, A36, A36TC, and B36TC Airplanes.
SA4184WE	Raytheon (Beech) Models 95, B95, B95A, E95, 95-55, 95-A55, 95-B55, 95-B5A, 95-B55B, 95-C55, D55, E55, 56TC, 58, and 58A Airplanes.
SA4239WE	Raytheon (Beech) Models 58P, 58PA, 58TC, and 58TCA Airplanes.
SA4240WE	Raytheon (Beech) Models 50, B50, C50, D50, D50A, D50B, D50C, D50E, D50E-5990, E50, F50, G50, H50, and J50 Airplanes.
SA4282WE	Raytheon (Beech) Models 35, A35, B35, C35, D35, E35, F35, G35, and 35R Airplanes.
SA4178WE	Mooney Models M20, M20A, M20C, M20D, M20E, M20F, M20G, M20J, and M20K Airplanes.
SA4472NM	Aerostar Models PA-60-601P, PA-60-602P, and PA-60-700P Airplanes.
SA4234WE	The New Piper Aircraft, Inc. (Piper) Models PA-34-200, PA-34-200T, and PA-34-220T Airplanes.
SA4179WE	Piper Models PA-24, PA-24-250, PA-24-260, and PA-24-400 Airplanes.
SA4235WE	Piper Models PA-44-180 and PA-44-180T Airplanes.
SA4236WE	Piper Models PA-28-140, PA-28-150, PA-28-160, PA-28-180, PA-28-235, PA-28-151, PA-28-181, PA-28-161, PA-28-236, PA-28-201T, PA-285-160, PA-28S-160, PA-28S-180, PA-28R-180, PA-28R-200, PA-28R-201, PA-28R-201T, PA-28RT-201, and PA-28RT-201T Airplanes.
SA4237WE	Piper Models PA-23, PA-23-160, PA-23-235, PA-23-250, and PA-E23-250 Airplanes.
SA4238WE	Piper Models PA-30, PA-39, and PA-40 Airplanes.
SA4235WP	Piper Models PA-31, PA-31-300, PA-31-325, and PA-31-350 Airplanes.
SA4288WE	Piper Models PA-32-260, PA-32-300, PA-32S-300, PA-32-301, PA-32-301T, PA-32R-300, PA-32R-301, PA-32R-301T, PA-32RT-300, and PA-32RT-300T Airplanes.
SA2511NM	Bellanca Models 17-30, 17-31, and 17-31TC Airplanes.
SA2510NM	Bellanca Models 17-30A, 17-31A, and 17-31ATC Airplanes.
SA4316WE	Wing Aircraft Company Model D-1 Airplanes.

Note 1: This AD applies to each aircraft identified in the preceding applicability provision that has the affected inflatable door seals installed, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required prior to further flight after the effective date of this AD, unless already accomplished.

To prevent smoke and a possible fire in the cockpit caused by overheating of the electric door seal inflation systems, which could result in passenger injury, accomplish the following:

(a) Deactivate the electric door seal inflation system by accomplishing the following:

- (1) Disconnect the battery.
- (2) Locate the air pump and identify the power wire to the air pump.
- (3) Trace the power wire to its connection to the airplane's original electrical power system. Disconnect the power wire at its attachment to the airplane's electrical power system and stow the wire end.
- (4) For non-pressurized airplanes or for airplanes that have an operating manual door seal inflation system, fabricate a placard that incorporates the following words utilizing letters that are at least 0.10-inch in height, and install this placard on the instrument panel within the pilot's clear view:

"ELECTRIC DOOR SEAL INFLATION SYSTEM INOPERATIVE"

- (5) For pressurized airplanes or for airplanes that do not have an operating manual door seal inflation system, fabricate a placard that incorporates the following words utilizing letters that are at least 0.10-inch in height, and install this placard on the

instrument panel within the pilot's clear view:

"ELECTRIC DOOR SEAL INFLATION SYSTEM INOPERATIVE. THIS AIRPLANE CAN ONLY BE OPERATED IN UNPRESSURIZED FLIGHT"

- (6) Reconnect the battery before returning to service.

(b) Insert a copy of this AD into the Limitations Section of the airplane flight manual (AFM).

(c) As an alternative method of compliance to the actions of paragraph (a), including all subparagraphs, and paragraph (b) of this AD, remove all provisions of the Bob Fields Aerocessories inflatable door seals, and install original equipment manufacturer door seals or an FAA-approved equivalent that is of different design than the referenced Bob Fields Aerocessories inflatable door seals.

(d) As of the effective date of this AD, no person may install on any aircraft, Bob Fields Aerocessories inflatable door seals either in accordance with the applicable STC or through field approval.

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the

Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished provided the following are adhered to, as applicable:

- (1) Locate and remove the in-line fuse for the electric door seal inflation system; or
 - (2) Pull the system circuit breaker for the electric door seal inflation system; and
 - (3) For pressurized airplanes or for airplanes that do not have an operating manual door seal inflation system, operate the airplane in unpressurized flight only.
- (f) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Blvd., Lakewood, California 90712. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(g) Information related to this AD may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) This amendment becomes effective on October 30, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-21-21, issued October 2, 1998, which contained the requirements of this amendment.

Issued in Kansas City, Missouri, on October 7, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27605 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-47-AD; Amendment 39-10834; AD 98-21-26]

RIN 2120-AA64

Airworthiness Directives; Mooney Aircraft Corporation Models M20J, M20K, M20M, and M20R Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Mooney Aircraft Corporation (Mooney) Models M20J, M20K, M20M, and M20R airplanes. This AD requires grinding the surface of the main landing gear (MLG) leg bracket, inspecting this area for cracks, and replacing any cracked MLG leg

bracket. This AD is the result of the manufacturing of several of the MLG leg brackets using laser pattern cutting. The brackets, when manufactured using this process, develop minor cracks at the bends, which could propagate over time. The actions specified by this AD are intended to prevent failure of the MLG side brace bolt caused by cracking of the MLG leg bracket, which could result in MLG collapse with consequent loss of control of the airplane during taxi, takeoff, or landing operations.

DATES: Effective November 26, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 26, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from Mooney Aircraft Corporation, Louis Schreiner Field, Kerrville, Texas 78028. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-47-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Bob D. May, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5156; facsimile: (817) 222-5960.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Mooney Models M20J, M20K, M20M, and M20R airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 17, 1998 (63 FR 33016). The NPRM proposed to require grinding the surface of the MLG leg bracket, part number (P/N) 510010; inspecting this area for cracks; and replacing any cracked MLG leg bracket.

Accomplishment of the proposed surface grinding and inspection action as specified in the NPRM would be in accordance with Mooney Service Bulletin M20-265, dated April 13, 1998.

Replacement of any cracked MLG leg bracket, if required, would be accomplished in accordance with the applicable maintenance manual.

The NPRM was the result of the manufacturing of several of the MLG leg brackets using laser pattern cutting. The brackets, when manufactured using this

process, develop minor cracks at the bends, which could propagate over time.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 11 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 8 workhours per airplane to accomplish these actions, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$5,280, or \$480 per airplane. These figures are based on the presumption that no affected airplane owner/operator has accomplished these actions. These figures do not account for the cost of any necessary replacement if any MLG leg bracket is found cracked. The FAA has no way of determining how many MLG leg brackets may be found cracked during this inspection.

Mooney will provide warranty credit for up to 8 workhours that are necessary to comply with the requirements of this AD. Details are provided in Mooney Service Bulletin M20-265, dated April 13, 1998.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT

Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

98-21-26 Mooney Aircraft Corporation:
Amendment 39-10834; Docket No. 98-CE-47-AD.

Applicability: The following airplane models and serial numbers, certificated in any category:

Models	Serial Nos.
M20J	24-3415 and 24-3416.
M20K	25-2018 through 25-2021.
M20M	27-0241.
M20R	29-0135 through 29-0138.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the main landing gear (MLG) side brace bolt caused by cracking of the MLG leg bracket, which could result in MLG collapse with consequent loss of control of the airplane during taxi, takeoff, or landing operations, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, accomplish the following in accordance with the INSTRUCTIONS section of Mooney Service Bulletin M20-265, dated April 13, 1998:

(1) Grind the surface of the MLG leg bracket, part number (P/N) 510010.

(2) Inspect the area of the P/N 510010 MLG leg bracket for cracks.

(b) Prior to further flight after the inspection required by paragraph (a)(2) of this AD, replace any cracked P/N 510010 MLG leg bracket with a new P/N 510010 MLG leg bracket. Accomplish this replacement in accordance with the applicable maintenance manual.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office (ACO), 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(e) The modification and inspection required by this AD shall be done in accordance with Mooney Service Bulletin M20-265, dated April 13, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Mooney Aircraft Corporation, Louis Schreiner Field, Kerrville, Texas 78028. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on November 26, 1998.

Issued in Kansas City, Missouri, on October 5, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27330 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-28-AD; Amendment 39-10833; AD 98-21-25]

RIN 2120-AA64

Airworthiness Directives; British Aerospace Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain British Aerospace Jetstream Models 3101 and 3201 airplanes that are equipped with the ground inhibit function (Modification JM7813A (SB 27-JM7813A) or JM7813B). This AD requires removing the ground test relay from the stall warning and protection system and rewiring part of the stall warning and protection system to assure that system reliance is maintained after relay removal. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to prevent failure of the ground inhibit relay while it is in the energized position caused by the current design, which could result in failure of the stall warning system and possible loss of control of the airplane in certain situations if the crew was not aware that the system had failed.

DATES: Effective November 26, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 26, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-28-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Aerospace Engineer,

FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain British Aerospace Jetstream Models 3101 and 3201 airplanes that are equipped with the ground inhibit function (Modification JM7813A (SB 27-JM7813A) or JM7813B) was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 30, 1998 (63 FR 23686). The NPRM proposed to require removing the ground inhibit time delay and the ground test relay from the stall warning and protection system. The NPRM also proposed to require rewiring part of the stall warning and protection system to assure that system reliance is maintained after relay removal.

Accomplishment of the proposed action as specified in the NPRM would be in accordance with British Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, dated December 24, 1997.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom.

After the issuance of the NPRM, British Aerospace corrected the functional test procedures. To incorporate this change, British Aerospace revised Jetstream Alert Service Bulletin 27-A-JM7847 to the Revision 1 level (dated April 27, 1998).

This prompted the FAA to issue a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain British Aerospace Jetstream Models 3101 and 3201 airplanes that are equipped with the ground inhibit function (Modification JM7813A (SB 27-JM7813A) or JM7813B), which was published in the **Federal Register** as a supplemental notice of proposed rulemaking on August 11, 1998 (63 FR 42270). The supplemental NPRM proposed to require removing the ground inhibit time delay and the ground test relay from the stall warning and protection system. The supplemental NPRM also proposed to require rewiring part of the stall warning and protection system to assure that system reliance is maintained after relay removal. Accomplishment of the proposed action as specified in the supplemental NPRM would be in

accordance with British Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, dated December 24, 1997, Revision 1, dated April 27, 1998.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 301 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish this action, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$108,360, or \$360 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

98-21-25 British Aerospace: Amendment 39-10833; Docket No. 98-CE-28-AD.

Applicability: Jetstream Models 3101 and 3201 airplanes, all serial numbers, certificated in any category, that are equipped with the ground inhibit function (Modification JM7813A (SB 27-JM7813A) or JM7813B).

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished. To prevent failure of the ground inhibit relay while it is in the energized position caused by the current design, which could result in failure of the stall warning system and possible loss of control of the airplane in certain situations if the crew was not aware that the system had failed, accomplish the following:

(a) Remove the ground inhibit time delay and the ground test relay from the stall warning and protection system, and rewire part of the stall warning and protection system to assure that system reliance is maintained after relay removal. Accomplish these actions in accordance with the **ACCOMPLISHMENT INSTRUCTIONS** section of British Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, Revision 1, dated April 27, 1998.

(b) If the actions of this AD were accomplished in accordance with British

Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, dated December 24, 1997, the affected airplane still needs to be re-tested in accordance with British Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, Revision 1, dated April 27, 1998.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to British Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, Revision 1, dated April 27, 1998, should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The modifications required by this AD shall be done in accordance with British Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, Revision 1, dated April 27, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in British Aerospace Jetstream Alert Service Bulletin 27-A-JM7847, dated December 24, 1997, Revision 1, dated April 27, 1998. This service bulletin is classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

(g) This amendment becomes effective on November 26, 1998.

Issued in Kansas City, Missouri, on October 5, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27327 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-22-AD; Amendment 39-10829; AD 98-21-20]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 97-04-02, which currently requires installing new exterior placards with operating instructions for the airstair door, cargo door, and emergency exits, as applicable, on certain Raytheon Aircraft Company (Raytheon) Models 1900, 1900C, and 1900D airplanes. This AD requires either modifying the existing exterior placards with door operating instructions installed in accordance with AD 97-04-02; or installing new exterior placards with operating instructions for the airstair door, cargo door, and emergency exits, as applicable. This AD results from reports of the placards (required by AD 97-04-02) covering the atmospheric vents for the cabin door differential pressure lock. The actions specified by this AD are intended to continue to assure that clear and complete operating instructions are visible for opening the airstair door, cargo door, or emergency exits, and to prevent improper operation of the cabin door differential pressure lock caused by the placards blocking the atmospheric vents.

DATES: Effective November 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of November 20, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-22-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office,

FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Models 1900, 1900C, and 1900D airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 27, 1998 (63 FR 20543). The NPRM proposed to require either modifying the existing exterior placards with operating instructions installed in accordance with AD 97-04-02; or installing new exterior placards with operating instructions for the airstair door, cargo door, and emergency exits, as applicable. Accomplishment of the proposed action as specified in the NPRM would be in accordance with Raytheon Mandatory Service Bulletin No. 2741, Rev. 1, Issued: February, 1997; Revised: May, 1997.

The NPRM was the result of reports of the placards (required by AD 97-04-02) covering the atmospheric vents for the cabin door differential pressure lock.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Comment Disposition

One commenter recommends that an additional method of compliance be added to the proposal. The commenter states that the actions of AD 97-04-02 have already been accomplished on the commenter's fleet of aircraft. In addition to these actions, the modification of the placards that is proposed in this action was accomplished in accordance with the instructions in Beechcraft message No. 52-0506, dated February 21, 1997. These instructions basically incorporate the same information included in the modification instructions in Raytheon Mandatory Service Bulletin No. 2741, Rev.1, dated May, 1997.

The FAA concurs and will give alternative method of compliance credit in the AD for accomplishing the action in accordance with Beechcraft message No. 52-0506, dated February 21, 1997, in conjunction with Raytheon Mandatory Service Bulletin No. 2741, dated February, 1997.

Another commenter agrees with the intent of the AD, but feels that the FAA should have issued an urgent safety of flight AD through the use of a "final rule; request for comments."

After examining all the information related to the subject of this AD, the FAA did not feel it had sufficient justification for issuing an urgent safety of flight AD. No changes to the final rule are necessary.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the addition of the alternative method of compliance previously discussed and minor editorial corrections. The FAA has determined that this addition and the minor editorial corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 524 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish this action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$3 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$33,012, or \$63 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 97-04-02, Amendment 39-9937, and by adding a new AD to read as follows:

98-21-20 Raytheon Aircraft Company (Type Certificate No. A24CE formerly held by the Beech Aircraft Corporation): Amendment 39-10829; Docket No. 98-CE-22-AD; Supersedes AD 97-04-02, Amendment 39-9937.

Applicability: The following model and serial number airplanes, certificated in any category:

Model	Serial numbers
1900	UA-2 and UA-3.
1900C	UB-1 through UB-74, and UC-1 through UC-174.
1900C (C-12J).	UD-1 through UD-6.
1900D	UE-1 through UE-268.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To continue to assure that clear and complete operating instructions are visible for opening the airstair door, cargo door, or emergency exits, and to prevent improper operation of the cabin door differential pressure lock caused by the placards blocking the atmospheric vents, accomplish the following:

(a) Accomplish one of the following in accordance with ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service Bulletin No. 2741, Rev. 1, dated May, 1997:

(1) Modify the existing exterior placards with operating instructions installed in accordance with AD 97-04-02 (superseded by this AD); or

(2) Remove any existing operating instructions placards and install new exterior placards with operating instructions for the airstair door, cargo door, and emergency exits, as applicable.

(b) Installing placards in accordance with Raytheon Mandatory Service Bulletin No. 2741, dated February, 1997, and then modifying these placards in accordance with Beechcraft message No. 52-0506, dated February 21, 1997, is considered an alternative method of compliance to the requirements of paragraphs (a), (a)(1), and (a)(2) of this AD.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

(2) Alternative methods of compliance approved in accordance with AD 97-04-02 are considered approved as alternative methods of compliance for this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) The modifications, removal, and installations required by this AD shall be done in accordance with Raytheon Mandatory Service Bulletin No. 2741, Rev. 1, dated May, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on November 20, 1998.

Issued in Kansas City, Missouri, on October 1, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27121 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AGL-45]

Modification of Class E Airspace; Menomonie, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Menomonie, WI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 27 has been developed for Menomonie Municipal-Score Field Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action increases the radius of the existing controlled airspace for Menomonie Municipal-Score Field Airport.

EFFECTIVE DATE: 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-500, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:**History**

On Friday, July 24, 1998, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Menomonie, WI (63 FR 39776). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Menomonie, WI, to accommodate aircraft executing the proposed GPS Rwy 27 SIAP at Menomonie Municipal-Score Field Airport by increasing the radius of the existing controlled airspace for the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designation and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL WI E5 Menomonie, WI [Revised]

Menomonie Municipal-Score Field Airport, WI
(lat. 44°53'32" N, long. 91°52'04" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Menomonie Municipal-Score Field Airport.

* * * * *

Issued in Des Plaines, Illinois on October 2, 1998.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 98-27727 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AGL-44]

Establishment of Class E Airspace; Park Falls, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Park Falls, WI. A Nondirectional Beacon (NDB) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 36 has been developed for Park Falls Municipal Airport. Controlled Airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action creates controlled airspace with a southern extension for Park Falls Municipal Airport.

EFFECTIVE DATE: 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:**History**

On Friday, July 24, 1998, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Park Falls, WI (63 FR 39775). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written

comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Park Falls, WI, to accommodate aircraft executing the proposed NDB Rwy 36 SIAP at Park Falls Municipal Airport by creating controlled airspace with a southern extension for the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS, ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation

Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL WI E5 Park Falls, WI [New]

Park Falls Municipal Airport, WI
(lat. 45° 57' 23"N, long. 90° 25' 29"W)

Park Falls NDB
(lat. 45° 57' 11"N, long. 90° 25' 35"W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Park Falls Municipal Airport and within 2.5 miles each side of the 176° bearing from the Park Falls NDB, extending from the 6.3-mile radius to 7.0 miles south of the airport.

* * * * *

Issued in Des Plaines, Illinois on October 2, 1998.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 98–27726 Filed 10–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–47]

Modification of Class E Airspace; Orr, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies class E airspace at Orr, MN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 13 has been developed for Orr Regional Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action increases the radius of the existing controlled airspace for Orr Regional Airport.

EFFECTIVE DATE: 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, July 24, 1998, the FAA proposed to amend 14 CFR part 71 to

modify Class E airspace at Orr, MN (63 FR 39774). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Orr, MN, to accommodate aircraft executing the proposed GPS Rwy 13 SIAP at Orr Regional Airport by increasing the radius the existing controlled airspace for the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MN E5 Orr, MN [Revised]

Orr Regional Airport, MN

(Lat. 48°00'57" N, long. 92°51'22" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Orr Regional Airport and within 2.5 miles each side of the 324° bearing from the airport extending from the 6.4-mile radius to 7.0 miles northwest of the airport, excluding that airspace within the Cook, MN, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on October 2, 1998.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 98–27725 Filed 10–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–46]

Establishment of Class E Airspace; Granite Falls, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Granite Falls, MN. A VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 34 has been developed for Granite Falls Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach.

This action creates controlled airspace with a 6.4-mile radius for Granite Falls Municipal Airport.

EFFECTIVE DATE: 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, July 24, 1998, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Granite Falls, MN (63 FR 39773). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Granite Falls, MN, to accommodate aircraft executing the proposed VOR/DME Rwy 34 SIAP at Granite Falls Municipal Airport by creating controlled airspace for the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have

a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MN E5 Granite Falls, MN [New]

Granite Falls Municipal Airport, MN

(Lat. 44° 45' 12" N., long. 95° 33' 22" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Granite Falls Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on October 2, 1998.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 98–27723 Filed 10–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–43]

Modification of Class E Airspace; Two Harbors, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies class E airspace at Two Harbors, MN. A Global

Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 24 has been developed for Richard B. Helgeson Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action increases the radius of, and adds a northeast extension to, the existing controlled airspace for Richard B. Helgeson Airport.

EFFECTIVE DATE: 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, July 17, 1998, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Two Harbors, MN (63 FR 38524). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Two Harbors, MN, to accommodate aircraft executing the proposed GPS Rwy 24 SIAP at Richard B. Helgeson Airport by increasing the radius of, and adding a northeast extension to, the existing controlled airspace for the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1)

is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MN E5 Two Harbors, MN [Revised]

Richard B. Helgeson Airport, MN
(Lat. 47°02′55″ N, long. 91°44′43″ W)

ANATE Waypoint

(Lat. 47°05′30″ N, long. 91°37′46″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Richard B. Helgeson Airport and within 2.7 miles each side of the 073° bearing from Richard B. Helgeson Airport, extending from the 6.4-mile radius to 7.2 miles northeast of the airport, and within 4.0 miles each side of the 042° bearing from ANATE Waypoint, extending from the waypoint to 6.4 miles northeast of the waypoint, excluding that airspace within the Silver Bay, MN, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on October 2, 1998.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 98–27722 Filed 10–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24

[T.D. 98–64]

RIN 1515–AC31

Exporters Not Liable For Harbor Maintenance Fee; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: Customs published in the **Federal Register** on July 31, 1998, a document amending the Customs Regulations to remove the requirement that an exporter of cargo is liable for the payment of the Harbor Maintenance Fee when cargo is loaded for export at a port subject to the Harbor Maintenance Fee. This document contains a correction to that document regarding the authority citation for the subject regulation.

EFFECTIVE DATE: October 15, 1998.

FOR FURTHER INFORMATION CONTACT: Patricia Barbare, Operations Management Specialist, Budget Division, U.S. Customs Service, (202) 927–0310.

SUPPLEMENTARY INFORMATION:

Background

Customs published in the **Federal Register** (63 FR 40822) on July 31, 1998, a document amending the Customs Regulations to remove the requirement that an exporter of cargo is liable for the payment of the Harbor Maintenance Fee when cargo is loaded for export at a port subject to the Harbor Maintenance Fee. That document contained a technical error which this document will correct.

Correction of Publication

The publication on July 31, 1998, of the final rule (T.D.98–64)(63 FR 40822)(FR Doc. 98–20456) is corrected as follows:

1. On page 40823, in the second column, in the first instruction regarding the general authority for part 24 and the specific relevant authority citation for § 24.24, the specific authority citation for § 24.24 is corrected to read as follows: “Section 24.24 also issued under 26 U.S.C. 4461, 4462;”

Dated: October 9, 1998.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 98-27646 Filed 10-14-98; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 401 and 402

[Docket No. FR-4298-C-04]

RIN 2502-AH09

Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market) and Renewal of Expiring Section 8 Project-Based Assistance Contracts; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule; correction.

SUMMARY: On September 11, 1998, at 63 FR 48926, we published an interim rule implementing the new Mark-to-Market Program. The internet address for submitting public comments by e-mail given in that rule was incorrect. This document corrects the internet address.

FOR FURTHER INFORMATION CONTACT: Dan Sullivan, Department of Housing and Urban Development, 451 7th St., Washington DC 20410. Telephone: 202-708-0547. (This is not a toll-free number.) For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: In interim rule FR Doc. 98-24284 published on September 11, 1998, (63 FR 48926) make the following correction. On page 48940, in the second column, correct the paragraph under the heading "Electronic Access and Filing Address" to read:

"If you wish to comment on this interim rule, you may submit comments through HUD's Public Comment Webpage accessible through the Internet at <http://www.hud.gov/ogc/regcom2.html>. That webpage will enable you to create an e-mail message containing your comments. Your comments will be sent to the Rules Docket Clerk and will be available to any person. If you send your comment through the Public Comment Webpage, please DO NOT also send a paper copy of your comment."

Dated: October 9, 1998.

Camille E. Acevedo,

Assistant General Counsel for Regulations

[FR Doc. 98-27686 Filed 10-14-98; 8:45 am]

BILLING CODE 4210-32-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8776]

RIN 1545-AW34

Conversion to the Euro; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains a correction to Treasury Decision 8776, which was published in the **Federal Register** on Wednesday, July 29, 1998 (63 FR 40366) relating to U.S. taxpayers operating, investing or otherwise conducting business in the currencies of certain European countries that are replacing their national currencies with a single, multinational currency called the euro.

DATES: This correction is effective July 29, 1998.

FOR FURTHER INFORMATION CONTACT: Howard Weiner, (202) 622-3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of this correction are under section 1001 of the Internal Revenue Code.

Need for Correction

As published, TD 8776 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (TD 8776), which was the subject of FR Doc. 98-20023, is corrected as follows:

§ 1.985-8T [Corrected]

On page 40369, column 2, § 1.985-8T(c)(3)(iv)(B), third line from the top of the column, the language "year of change which includes the" is corrected to read "year ending immediately prior to the year of change which includes the".

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98-27708 Filed 10-14-98; 8:45 am]

BILLING CODE 4830-01-U

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in November 1998.

EFFECTIVE DATE: November 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during November 1998.

For annuity benefits, the interest assumptions will be 5.30 percent for the first 25 years following the valuation date and 5.25 percent thereafter. The annuity interest assumptions represent a decrease (from those in effect for October 1998) of 0.10 percent for the first 25 years following the valuation date and are otherwise unchanged. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 3.75 percent for the period during which a benefit is in pay status

and 4.00 percent during any years preceding the benefit's placement in pay status. The lump sum interest assumptions represent a decrease (from those in effect for October 1998) of 0.25 percent for the period during which a benefit is in pay status; they are otherwise unchanged.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of

benefits in plans with valuation dates during November 1998, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.
In consideration of the foregoing, 29 CFR part 4044 is amended as

follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 61 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used to Value Annuities and Lump Sums

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1 , i_2 , * * *, and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—			The values of i_t are:			
			i_t	for t =	i_t	for t =
	*	*	*	*	*	*
November 1998 .....			.0530	1–25	.0525	>25 N/A N/A

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
	*	*	*	*	*	*	*	*
61	11–1–98	12–1–98	3.75	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 8th day of October 1998.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98-27660 Filed 10-14-98; 8:45 am]

BILLING CODE 7708-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 96-262, FCC 98-257]

Access Charge Reform

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for rulemaking.

SUMMARY: The ceilings for the presubscribed interexchange carrier charge (PICC) are scheduled to increase for all classes of customers on January 1, 1999. For the reasons set forth in this Order, we delay this increase until July 1, 1999.

EFFECTIVE DATE: November 16, 1998.

FOR FURTHER INFORMATION CONTACT: Tamara Preiss, 418-1505. TTY: (202) 418-0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Order on Reconsideration, released October 5, 1998. The full text of this Order is available for inspection and copying during normal business hours

in the FCC Public Reference Room (Room 230), 1919 M Street, NW., Washington, DC 20554. The complete text of this Order may also be purchased from the Commission's copy contractor, International Transcription Service, 1231 20th Street, NW., Washington, DC 20036.

Regulatory Flexibility Analysis

In the *Access Charge Reform Order*, 62 FR 31040 (June 6, 1997), we conducted a Final Regulatory Flexibility Analysis as required by Section 604 of the Regulatory Flexibility Act (RFA), as amended by the Contract with America Advancement Act of 1996, Public Law 104-121, 110 Stat. 847 (1996). The RFA requires that a regulatory flexibility analysis be prepared for notice-and-

comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." 5 USC 605(b). In this *Third Order on Reconsideration* we have revised the rules to postpone the scheduled increases to PICC ceilings from January 1, 1999, to July 1, 1999. We hereby certify that this postponement will not have a significant economic impact on a substantial number of small entities, because the action merely maintains the *status quo* concerning the maximum PICCs that price cap LECs may charge customers. The present action also, therefore, does not affect the previous FRFA. The Commission will send a copy of this *Third Order on Reconsideration*, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction Act Analysis

The decision contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995, Pub. L. 104-13, and does not contain new and/or modified information collections subject to Office of Management and Budget review.

Summary of Report and Order

1. In the *Access Charge Reform Order*, 62 FR 31040 (June 6, 1997), we adopted common line rate structure modifications that permit price cap local exchange carriers (LECs) to shift from a rate structure that recovers a significant portion of non-traffic sensitive common line costs through per-minute carrier common line charges to one that recovers these costs through flat-rated charges. The rate structure we adopted retained the existing \$3.50 ceiling on the subscriber line charge (SLC) for primary residential and single-line business lines and increased the SLC ceilings on other lines to permit LECs to recover a greater amount of the common line costs through flat-rated charges assessed on end users. To the extent that SLC ceilings prevent price cap LECs from recovering their allowed common line revenues from end users, price cap LECs may recover the shortfall, subject to a maximum charge, through PICCs. The PICC is a flat, per-line charge assessed on the end user's presubscribed interexchange carrier.

2. In order to provide price cap LECs, interexchange carriers (IXCs), and end users with adequate time to adjust to the new rate structure, we adopted an approach that phases in the PICC. We also established several different categories of PICCs, setting an initial cap

for primary residential and single-line business lines at \$0.53 per month for the first year, equal to the amount assessed IXCs in the past for those lines for purposes of the former High Cost Fund. We set initial ceilings on the PICCs for non-primary residential lines at \$1.50 per month and for multi-line business lines at \$2.75 per month. On January 1, 1999, the PICC ceilings are scheduled to increase by the following amounts: \$0.50 plus inflation for primary residential and single-line business lines, \$1.00 plus inflation for non-primary residential lines, and \$1.50 plus inflation for multi-line business lines. See 47 CFR 69.153.

3. On our own motion, we postpone the scheduled increase of the PICC ceilings from January 1, 1999 to July 1, 1999. (The filing of a petition for reconsideration tolls the thirty-day period our rules provide for *sua sponte* reconsideration. See 47 CFR 1.108, *Central Florida Enterprises, Inc. v. FCC*, 598 F.2d 37, 48 n.51 (D.C. Cir. 1978), *cert. dismissed*, 441 U.S. 957 (1979), *cert. denied*, 460 U.S. 1084 (1983); *Radio Americana, Inc.*, 44 F.C.C. 2506, 2510 (1961).) In the *Access Charge Reform Order*, we established a system that enables access charges better to reflect the costs underlying those charges. We remain convinced that recovery of non-traffic sensitive costs through flat charges, rather than minute-of-use charges, on IXCs is the appropriate recovery mechanism for these costs. We believe, however, that we should postpone implementation of the next round of shifts from per-minute charges to PICCs.

4. Other adjustments to access charges, most notably those involving universal service and the reductions associated with the annual application of our price cap formula, take effect on July 1, 1999. Earlier this year, we extended from January 1, 1999 until July 1, 1999 the implementation date for the revised mechanism for determining universal service high cost support for non-rural carriers. Under current rules, interstate access charges are to go down at that time to reflect the universal service support that incumbent LECs receive through the new high cost support mechanism. Also on July 1, 1999, price cap LECs' annual access tariffs will become effective. See 47 CFR 61.43. These new tariffs will reflect a downward adjustment of the price cap indices due in large part to the "X-Factor" and the low inflation experienced in the economy as a whole. See 47 CFR 61.45.

5. If the scheduled increases in the PICC ceilings were not delayed, PICCs that would increase on January 1, 1999

may be reduced due to the new universal service support mechanism and the X-Factor adjustment both taking effect on July 1, 1999. The imposition of higher PICCs on January 1 followed by decreases just six months later will increase consumer confusion and frustration. We instead prefer to minimize rate churn, and so postpone the scheduled increase to the PICC ceilings.

Ordering Clauses

6. Accordingly, it is ordered that, pursuant to sections 4(i), and 201-205 of the Communications Act, 47 USC 154(i), and 201-205, and § 1.108 of the Commission's rules, 47 CFR 1.108, we hereby amend § 69.153 as set forth below.

7. It is further ordered that the provisions of this Order will be effective November 11, 1998.

List of Subjects in 47 CFR Part 69

Communications common carriers.
Federal Communications Commission.
Magalie Roman Salas,
Secretary.

Rule Changes

PART 69—ACCESS CHARGES

1. The authority citation for part 69 continues to read as follows:

Authority: 47 U.S.C. 154, 201, 202, 203, 205, 218, 254, 403.

2. Section 69.153 is amended by revising paragraphs (c) introductory text, (c)(2), (d)(1) introductory text, (d)(1)(ii), (d)(2) introductory text, (d)(2)(ii), and (e) to read as follows:

§ 69.153 Presubscribed interexchange carrier charge (PICC).

* * * * *

(c) The maximum monthly PICC for primary residential subscriber lines and single-line business subscriber lines shall be the lower of:

(1) * * *

(2) \$0.53. On July 1, 1999, this amount shall be adjusted by the inflation factor computed under paragraph (e) of this section, and increased by \$0.50. On July 1, 2000, and in each subsequent year, this amount shall be adjusted by the inflation factor computed under paragraph (e) of this section, and increased by \$0.50.

(d) * * *

(1) The maximum monthly PICC for non-primary residential subscriber lines shall be the lower of:

(i) * * *

(ii) \$1.50. On July 1, 1999, this amount shall be adjusted by the inflation factor computed under

paragraph (e) of this section, and increased by \$1.00. On July 1, 2000, and in each subsequent year, this amount shall be adjusted by the inflation factor computed under paragraph (e) of this section, and increased by \$1.00.

(2) If the maximum monthly PICC for non-primary residential subscriber lines is determined using paragraph (d)(1)(i) of this section, the maximum monthly PICC for multi-line business subscriber lines shall equal the maximum monthly PICC of non-primary residential subscriber lines. Otherwise, the maximum monthly PICC for multi-line business lines shall be the lower of:

(i) * * *

(ii) \$2.75. On July 1, 1999, this amount shall be adjusted by the inflation factor computed under paragraph (e) of this section, and increased by \$1.50. On July 1, 2000, and in each subsequent year, this amount shall be adjusted by the inflation factor computed under paragraph (e) of this section, and increased by \$1.50.

(e) For the PICC ceiling for primary residential subscriber lines and single-line business subscriber lines under paragraph (c)(2) of this section, non-primary residential subscriber lines under paragraph (d)(1)(ii) of this section, and multi-line business subscriber lines under paragraph (d)(2)(ii) of this section:

(1) On July 1, 1999, the ceiling will be adjusted to reflect inflation as measured by the change in GDP-PI for the 18 months ending March 31, 1999.

(2) On July 1 of each subsequent year, the ceiling will be adjusted to reflect inflation as measured by the change in GDP-PI for the 12 months ending on March 31 of the year the adjustment is made.

(3) On July 1 of each subsequent year, the ceiling will be adjusted to reflect inflation as measured by the change in GDP-PI for the 12 months ending on March 31 of the year the adjustment is made.

* * * * *

[FR Doc. 98-27676 Filed 10-14-98; 8:45 am]

BILLING CODE 6712-01-P

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Parts 1609, 1632 and 1652

RIN 3206-A116

Federal Employees Health Benefits Program Improving Carrier Performance; Conforming Changes

AGENCY: Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final regulation that implements OPM's initiative to ensure high quality customer service to its enrollees in the Federal Employees Health Benefits (FEHB) Program by establishing a performance evaluation program that will hold community-rated carriers accountable for their performance. The regulation would enable OPM to better manage carriers' performance in key contract areas, including customer service measures, information and reporting requirements, and significant events that might affect service to enrollees.

EFFECTIVE DATE: November 16, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer (202) 606-0004.

SUPPLEMENTARY INFORMATION: On July 16, 1998, OPM issued a proposed regulation in the **Federal Register** (63 FR 38360) that would amend the Federal Employees Health Benefits Acquisition Regulation (FEHBA) to underscore accountability for customer service and contractual compliance among the Federal Employees Health Benefits (FEHB) Program community-rated carriers. Such a program is already in place for experience-rated carriers. OPM has identified certain carrier obligations that, when unmet, can delay or keep customer service goals from being met. Percentage factors will be assigned to two overall categories, Customer Service and Critical Contract Compliance Requirements. The Contracting Officer will assign a percentage factor for each category based on the carrier's record in meeting its obligations during the contract year. The percentage factor will be applied to each community-rated carrier's total annual FEHB premium. The total amount withheld from a carrier cannot exceed one percent of premium paid for any contract year. Accurate and timely performance by carriers will facilitate the Program meeting its customer service standards.

OPM received comments from sixteen insurance carriers, one Government agency, and one health plan trade association. The majority of the commenters were in favor of the proposed regulations, although each had specific areas of concern, which are addressed below.

Comments focused on uncertainty regarding the amount of money at potential risk; subjectivity of the FEHB Program Carrier Evaluation rating system; the percentage of premium used; the absence of weights for each

category; the rating of performance elements when there is a nonoccurrence of an event; and other sources than total premium for the withhold. Some commenters had the perception that the withhold is a penalty rather than an incentive or that OPM might unilaterally withhold amounts for items not previously agreed to by contract. Others were more concerned about the absence of notification to carriers of withdrawal of funds, and the lack of an appeals process.

Numerous carriers felt the rating categories outlined in the proposed regulation and provided in detail in draft separately to carriers as the FEHB Program Carrier Evaluation form were subjective and had no assigned weights to the items of the performance standards. OPM considered the comments and made the following changes to the FEHB Program Carrier Evaluation form. Each item of the performance standard was ranked and assigned a weight, and components within such elements were reviewed and streamlined to make the form more functional and objective. The total Customer Service and Critical Contract Compliance Requirements percentage factors remain unchanged at a maximum of one percent of total premium.

Items of the standard, Meeting Customer Service Performance Standards, were ranked as follows: (1) Timely Closure on Rates and Benefits Consistent with Policy Guidelines; (2) Customer Information; (3) Meeting Customer Service Performance Standards; (4) Cooperation in Surveys; (5) Paperless Enrollment/Enrollment Reconciliation, and; (6) Reconsideration/Disputed Claims. The Critical Contract Compliance Requirements were ranked: (1) Timeliness of Submissions; (2) Notification of Changes in Contract Administrators, and; (3) Notification of Changes in Name or Ownership or Transfer of Assets, and Notification of Other Significant Events.

One commenter expressed concern about how carriers would be rated for the nonoccurrence of an event, such as would likely occur in the Critical Contract Compliance Requirements. Carriers will be evaluated on each item of the performance category and it is expected that, in most cases, the performance factor percentage applied to carriers' total premium will be substantially less than one percent. If an event does not occur, no deduction will be taken.

OPM has considered the carriers' comments about using contingency reserves as the source of the withhold,

but we do not believe such reserve is the appropriate vehicle. The clause has been amended to allow the carrier 60 days in which to rebate the FEHB Program before OPM will take action to withhold the amount owed from the carrier's total premiums. Carriers are also assured that OPM will not apply the withhold provision in the Payments clause to matters not previously agreed to as a program or contract requirement between OPM and the carriers.

Two commenters stated that the performance regulation does not comport with the Debt Collection Act, 5 U.S.C. 5514. The Debt Collection Act referenced by this commenter does not apply to the government contracts affected by this regulation. Rather, that Act relates to actions of the United States in collecting debts owed by employees or members of the Armed Services by offset from certain authorized sources of pay. The Act does not apply with respect to the collection or offset of monies owed to the United States by an insurance carrier under contract with the government.

The same commenters stated that the performance regulation does not comport with "Contract Debts," Part 32.6 of the FAR. It is OPM's view that the contract debt provisions harmonize with and support the implementation of the performance regulation. Assuming that the performance failure were considered a contract debt, Part 32.6 of the FAR contains provisions that contemplate liquidation of the debt by credit against existing unpaid bills due the contractor, or offset of the debt in place of demand for payment so long as an explanation of the offset is provided. In the event that a performance amount is withheld from premium payment to a carrier, OPM intends to provide full information and explanation with respect to the offset. Thus, we do not believe that the performance regulation fails to comport with Part 32.6 of the FAR.

Numerous commenters stated that the performance regulation constitutes a penalty and not an incentive. In the private sector various purchasing groups use comparable performance factors as incentives. Such programs frequently require a rebate by the carrier when certain purchaser set requirements are not met. Incentive by definition is neither positive or negative. Nevertheless, we have changed the term from performance incentive to performance clause.

In response to concerns about a carrier's right to appeal a performance determination, OPM seeks to assure carriers that the appeals process will be consistent with the appeals process for

other issues of contract administration. In the event that a performance factor is applied against a carrier, OPM will inform the carrier of the amount due and will provide documentation supporting the reasons for the performance finding. The carrier may seek reconsideration of the finding, and may contest the Contracting Officer's final decision by asserting a claim against the government in the same manner that the carrier would pursue any other administrative claim under the contract.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because in no case will it affect more than one percent of a carrier's premium.

List of Subjects in 48 CFR Parts 1609, 1632, and 1652

Administrative practice and procedure, Government employees, Government procurement, Health facilities, Health insurance, Health professions, Reporting and record keeping requirements, Retirement.

Office of Personnel Management.

Janice R. Lachance,
Director.

Accordingly, OPM is amending title 48 CFR Parts 1609, 1632, and 1652 as follows:

CHAPTER 16—OFFICE OF PERSONNEL MANAGEMENT FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION

1. The authority citation for 48 CFR Parts 1609, 1632, and 1652 continue to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

PART 1609—CONTRACTOR QUALIFICATIONS

2. Subpart 1609.71 is added to read as follows:

Subpart 1609.71—Performance Evaluation Sec.

1609.7101 Policy.

1609.7101-1 Community-rated carrier incentive performance elements.

1609.7101-2 Community-rated carrier performance factors.

1609.7101 Policy.

At the end of each contract period, the contracting officer will determine each community-rated carrier's responsiveness to the Program requirements in 1609.7101-1.

1609.7101-1 Community-rated carrier incentive performance elements.

(a) Customer Service. This element is intended to assist OPM in achieving the goal of providing customer service that meets or exceeds the expectations of Federal enrollees. The Customer Service category will represent 70 percent of the total calculation and will be based on the carrier's compliance with the following items:

(1) *Timely Closure on Rates and Benefits Consistent with Policy Guidelines.* In order for information to be available to our customers in time for the annual Open Season, carriers must work with OPM to conclude benefits and rate negotiations by the established time frames. The contracting officer will evaluate this item based on the carrier's demonstrated record in providing its rate reconciliation and benefits information within the time frames prescribed by and in the format required by OPM.

(2) *Customer Information.* Enrollees must have accurate information and adequate time to make informed Open Season choices in selecting a health plan. In evaluating this item, the contracting officer will consider the carrier's timeliness and accuracy of information.

(3) *Meeting Customer Service Performance Standards.* Compliance with this item is essential so that OPM can ensure that the carrier is providing quality health care and other services to enrollees. The contracting officer will evaluate this item based on the carrier's submission of the Consumer Assessment of Health Plans Study (CAHPS) survey results and other measures as required contractually between OPM and the carrier. (This element will be implemented beginning with contract year 2000).

(4) *Cooperation in Surveys.* FEHB enrollees rely on feedback from the consumer assessment survey in selecting a health plan. The contracting officer will evaluate this item based on the carrier's record in cooperating with OPM and/or its designated representative in administering a consumer assessment survey or providing comparable survey results as specified in the FEHB contract and OPM guidance.

(5) *Paperless Enrollment/Enrollment Reconciliation—(i) Paperless Enrollment.* The requirement to cooperate in the OPM designated system for paperless enrollment is under the section entitled "Enrollment Instructions" in the FEHB Supplemental Literature Guidelines in the FEHB contract. The contracting officer will evaluate this item based on the carrier's

ability to accept electronic data transmission from the OPM designated electronic enrollment system and issue ID cards timely.

(ii) *Enrollment Reconciliation.* The requirement for carriers to reconcile their enrollment records on a quarterly basis with those provided by Federal Government agencies is in the *Records and Information to be Furnished by OPM* clause of the contract, as well as 5 CFR 890.110 and 5 CFR 890.308. The contracting officer will evaluate this item based on the carrier's demonstrated record of initiating reconciliation procedures with applicable agency payroll offices on a quarterly basis in accordance with OPM guidance on reconciling enrollments and resolving enrollment discrepancies, as well as on the carrier's demonstrated record of following disenrollment procedures in accordance with 5 CFR 890.110 and 890.308.

(6) *Reconsideration/Disputed Claims.* The requirement for carriers to reconsider disputed health benefits claims is in 5 CFR 890.105. An incomplete explanation of denied benefits by the carrier places a burden on enrollees, causing them to seek reconsideration because the carrier did not fully explain its denial. Late carrier responses to OPM's requests for the carrier's reconsideration file delays OPM's response to enrollees. The contracting officer will evaluate this item based on whether the carrier provided OPM a complete reconciliation file within the time frame specified.

(b) *Critical Contract Compliance Requirements.* This performance category will represent 30 percent of the total computation and will be based on the carrier's compliance with the following items:

(1) *Timely Submissions.* The reports specified in the *Statistics and Special Studies and FEHB Quality Assurance* clauses of the contract and are essential for tracking enrollment, finances, rates, etc. In evaluating this item, the contracting officer will consider the carrier's timely submission of the contract, signed by the contracting official, to OPM, and on its demonstrated record in providing timely and accurate reports as required.

(2) *Notification of Changes in Contract Administrators.* OPM must be able to reach the person responsible for managing the carrier's FEHB contract without delay when an enrollee calls OPM in need of urgent medical treatment, an ID card, or other service. Each carrier's designated contact must maintain telephone and electronic communications with OPM so that

issues can be resolved quickly. The contracting officer will evaluate this item based on the carrier's compliance with the *Notice* clause and *Contract Administration Data* sheet in the contract, and will consider the carrier's record in notifying OPM promptly of changes in its carrier representative or contracting official, mailing or electronic address, telephone or FAX number.

(3) *Notification of Changes in Name or Ownership; or Transfer of Assets, and Notification of Other Significant Events.* OPM must be able to assess the viability of the carrier and its ability to provide health care to enrollees so that they do not experience difficulty obtaining treatment and other services. Additionally, with regard to notification to OPM of other significant events, the carrier must notify OPM of such events as lawsuits, strikes, and natural disasters so that OPM can assess the carrier's ability to pay claims and provide services to enrollees. The contracting officer will evaluate this item based on the carrier's compliance with FEHBAR Subparts 1642.12, Novation and Change-of-Name Agreements, 1642.70, Management Agreement (in Lieu of Novation Agreement), and 1652.222-70, including timely notification and explanation of all significant events that may have a material effect on the carrier's ability to perform the contract.

1609.7101-2 Community-rated carrier performance factors.

OPM will apply the Customer Service and Critical Contract Compliance Requirements percentage factors specified by the contracting officer when a community-rated carrier does not provide the information, payment, or service, perform the function, or otherwise meet its obligations as stated in 1609.7101-1. The total premium will be multiplied by the sum of all the factors and the resulting amount will be withheld from the carrier's periodic premium payments payable during the first quarter of the following contract period, unless an alternative payment arrangement is made with the carrier's contracting officer.

The factors for each basic element are set forth as follows:

COMMUNITY-RATED CARRIER PERFORMANCE FACTORS

Element	Performance factor (to be multiplied by premium and withheld from carrier's payments)
I. Customer Service (70% of Total) .....	.007
II. Critical Contract Compliance Requirements (30% of Total) .....	.003
Maximum Aggregate Performance Factor .....	.01

PART 1632—CONTRACT FINANCING

3. In section 1632.170, paragraphs (a) and (b)(1) are revised to read as follows:

1632.170 Recurring premium payments to carriers.

(a)(1) *Recurring payments to carriers of community-rated plans.* OPM will pay to carriers of community-rated plans the premium payments received for the plan less the amounts credited to the contingency and administrative reserves, amounts assessed under paragraph (a)(2) of this section, and amounts due for other contractual obligations. Premium payments will be due and payable not later than 30 days after receipt by the Federal Employees Health Benefits (FEHB) Fund.

(2) The sum of the two performance factors applicable under 1609.7101-2 will be multiplied by the carrier's total net-to-carrier premium dollars paid for the preceding contract period. The amount obtained after the total premium is multiplied by the sum of the factors will be withheld from the carrier's periodic premium payment payable during the first quarter of the following contract period unless an alternative payment arrangement is made with the carrier's contracting officer. OPM will deposit the withheld funds in the carrier's contingency reserve for the plan. The aggregate amount withheld annually for performance for any carrier will not exceed one percent of premium for any contract period.

(b)(1) *Recurring payments to carriers of experience-rated plans.* OPM will make payments on a letter of credit (LOC) basis. Premium payments received for the plan, less the amounts credited to the contingency and administrative reserves and amounts for other obligations due under the contract, will be made available for carrier drawdown not later than 30 days after receipt by the FEHB Fund.

* * * * *

PART 1652—CONTRACT CLAUSES

4. In 1652.232–70 the clause date is revised, and paragraphs (b), (c), and (d) are redesignated as (c), (d), and (e) respectively, paragraph (a) is revised, and a new paragraph (b) is added to read as follows:

1652.232–70 Payments—community-rated contracts.

* * * * *

PAYMENTS (JAN 1999)

(a) OPM will pay to the Carrier, in full settlement of its obligations under this contract, subject to adjustment for error or fraud, the subscription charges received for the plan by the Employees Health Benefits Fund (hereinafter called the Fund) less the amounts set aside by OPM for the Contingency Reserve and for the administrative expenses of OPM, amounts assessed under FEHBP 1609.7101–2, and amounts for obligations due pursuant to paragraph (b) of this clause, plus any payments made by OPM from the Contingency Reserve.

(b) OPM will notify the Carrier of amounts due for outstanding obligations under the contract. Not later than 60 days after the date of written notice from OPM, the Carrier shall reimburse OPM. If payment is not received within the prescribed time frame, OPM shall withhold the amount due from the subscription charges owed the Carrier under paragraph (a) of this clause.

* * * * *

5. In 1652.232–71 the clause date is revised, paragraphs (b), (c), and (d) are redesignated as (c), (d), and (e) respectively, paragraph (a) is revised, and a new paragraph (b) is added to read as follows:

1652.232–71 Payments—experience-rated contracts.

* * * * *

PAYMENTS (JAN 1999)

(a) OPM will pay to the Carrier, in full settlement of its obligations under this contract, subject to adjustment for error or fraud, the subscription charges received for the Plan by the Employees Health Benefits Fund (hereinafter called the Fund) less the amounts set aside by OPM for the Contingency Reserve and for the administrative expenses of OPM and amounts for obligations due pursuant to paragraph (b) of this clause, plus any payments made by OPM from the Contingency Reserve.

(b) OPM will notify the Carrier of amounts due for outstanding obligations under the contract. Not later than 60 days after the date of written notice from OPM, the Carrier shall reimburse OPM. If payment is not received within the prescribed time frame, OPM shall withhold the amount due from the subscription charges owed the Carrier under paragraph (a) of this clause.

* * * * *

1652.244–70 [Amended]

6. In section 1652.244–70, in paragraph (f), the FAR reference “15.903(d)” is removed and the FAR reference “15.404–4(c)(4)(i)” is added in its place.

7. The following clauses and Text references in the FEHBP Clause Matrix at 1652.3 are revised as follows: FAR 52.215–22 and FAR 15.804–8(a) are revised to read 52.215–10 and 15.408(b) respectively; 52.215–24 and 15.804–8(c) are revised to read 52.215–12 and 15.408(d) respectively; 52.215–27 and 15.804–8(e) are revised to read 52.215–15 and 15.408(g) respectively; 52.215–30 and 15.904(a) are revised to read 52.215–16 and 15.408(h) respectively; 52.215–31 and 15.904(b) are revised to read 52.215–17 and 15.408(i) respectively; and 52.215–39 and 15.804–8(f) are revised to read 52.215–18 and 15.408(j) respectively; FAR 52.215–70 is revised to read 1652.215–70.

8. In Subpart 1652.3, FEHBP Clause Matrix, clause number 52.222–36 is revised to read Affirmative Action for Workers with Disabilities.

[FR Doc. 98–27343 Filed 10–14–98; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285**

[I.D. 100798C]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Reopening of New York Bight fishery.

SUMMARY: NMFS has determined that the Atlantic Bluefin Tuna (BFT) General category New York Bight set-aside has not been reached. Therefore, NMFS reopens the BFT General category New York Bight fishery. This action is being taken to provide for General category fishing opportunities in the New York Bight area only and to ensure additional collection of biological assessment and monitoring data.

DATES: Effective October 9, 1998, 1 a.m. local time until December 31, 1998, or until the date that the set-aside quota is determined to have been taken, which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301–713–2347, or Pat Scida, 978–281–9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Implementing regulations at 50 CFR 285.22 subdivide the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Section 285.22(a)(3) was amended on May 21, 1998 (63 FR 27862), to permit implementation of the set-aside for the traditional fall New York Bight fishery when the coast-wide General category fishery has been closed in any quota period. The New York Bight set-aside area is defined as the waters south and west of a straight line originating at a point on the southern shore of Long Island at 72°27' W. long. (Shinnecock Inlet) and running SSE 150° true, and north of 38°47' N. lat. (Delaware Bay). The regulatory amendment allowed NMFS more flexibility in making the quota of 10 mt set aside for this area available to coincide with the presence of BFT in the Mud Hole area. During the previous opening of the New York Bight fishery, effective September 16–30, no landings of large medium or giant BFT were reported. Therefore, all 10 mt of the set-aside remain. NMFS closed the coastwide General category fishery for October through December effective October 5, 1998 (63 FR 54078, October 8, 1998).

The New York Bight fishery will reopen effective Friday, October 9, 1998, 1 a.m. local time until December 31, 1998, or until the date that the set-aside quota is determined to have been taken, which will be published in the **Federal Register**. Upon the effective date of the New York Bight reopening, persons aboard vessels permitted in the General category may fish for, retain, possess, or land large medium and giant BFT only in the New York Bight set-aside area specified here, until the set-aside quota for that area has been harvested. BFT harvested from waters outside the defined set-aside area may not be brought into the set-aside area. Vessels permitted in the Charter/Headboat category, when fishing for large medium and giant BFT, are subject to the same rules as General category vessels when the General category is open.

The announcement of the closure date of the New York Bight fishery will be filed with the Office of the Federal

Register and further communicated through the Highly Migratory Species (HMS) Fax Network, the HMS Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of the closure will be provided as far in advance as possible, fishermen are encouraged to call the HMS Information Line to check the status of the fishery before leaving for a fishing trip. The phone numbers for the HMS Information Line are (301) 713-1279 and (978) 281-9305. Information regarding the Atlantic tuna fisheries is also available toll free through NextLink Interactive, Inc., at (888) USA-TUNA.

Classification

This action is taken under 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: October 8, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27577 Filed 10-8-98; 3:53 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 100898B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1998 total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 9, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area was established as 3,337 metric tons by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,000 mt, and is setting aside the remaining 1,337 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to public interest, and further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27669 Filed 10-9-98; 2:34 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 100898C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1998 total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 9, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area was established as 30,037 metric tons (mt) by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998). See § 679.20(c)(3). On April 16, 1998 (63 FR 18848) it was increased by an apportionment of reserves to 37,548 mt.

The fishery for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA was closed to directed fishing under § 679.20(d)(1)(iii) on March 10, 1998, (63 FR 12416 March 13, 1998) and opened to directed fishing on October 5, 1998 (63 FR 52986) in order to fully utilize the TAC.

The Regional Administrator has establishing a directed fishing allowance of 37,448 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest, and further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27668 Filed 10-9-98; 2:34 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 100998B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1998 total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 11, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area was established as 16,682 metric tons (mt) by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998). See § 679.20(c)(3). On April 16, 1998 (63 FR 18848) it was increased by an apportionment of reserves to 20,853 mt.

The fishery for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA was closed to directed fishing under § 679.20(d)(1)(iii) on March 3, 1998, (63 FR 11160, March 6, 1998) and opened to directed fishing on October 5, 1998,

(63 FR 52985) in order to fully utilize the TAC.

The Regional Administrator has establishing a directed fishing allowance of 20,753 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest, and further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 9, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27736 Filed 10-9-98; 4:44 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02, I.D. 100998A]

Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for groundfish by vessels using trawl gear in the Gulf of Alaska (GOA), except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the 1998 Pacific halibut prohibited species catch (PSC) limit for trawl gear in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 9, 1998, until 1200 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998) established the 1998 Pacific halibut PSC limit for vessels using trawl gear at 2,000 metric tons (mt). The Acting Administrator, Alaska Region, has determined, in accordance with § 679.21(d)(7)(i), that vessels engaged in directed fishing for groundfish with trawl gear in the GOA have caught the 1998 Pacific halibut PSC limit. Therefore, NMFS is closing the directed fishery for groundfish by vessels using trawl gear in the GOA, except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the 1998 trawl Pacific halibut PSC limit. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to

the public interest. The fleet has caught the 1998 trawl Pacific halibut PSC limit in the GOA. Further delay would only result in the 1998 trawl Pacific halibut PSC limit being exceeded and disrupt the FMP's objective of limiting trawl Pacific halibut mortality. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 9, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27735 Filed 10-9-98; 4:44 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 971208297-8054-02; I.D. 100998C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1998 total allowable catch (TAC) of pollock in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 12, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council

under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(ii), the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998) established the amount of the 1998 TAC of pollock in Statistical Area 620 of the GOA as 50,045 metric tons (mt).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 TAC for pollock will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 49,845 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1998 TAC of pollock for Statistical Area 620 of the GOA. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 9, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27734 Filed 10-9-98; 4:44 pm]

BILLING CODE 3510-22-F

Proposed Rules

Federal Register

Vol. 63, No. 199

Thursday, October 15, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-258-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737-600, -700, and -800 series airplanes. This proposal would require repetitive inspections to detect damage of the aft strut insulation blanket. This proposal also would require eventual replacement of the insulation blankets with new, improved blankets, which would constitute terminating action for the requirements of this AD. This proposal is prompted by reports of damaged aft strut insulation blankets. The actions specified by the proposed AD are intended to prevent such damage, which could result in exposure of the lower surface of the strut to extreme high temperatures, consequent creation of a source of fuel ignition, and increased risk of a fuel tank explosion and fire.

DATES: Comments must be received by November 30, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-258-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Bernie Gonzalez, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2682; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-258-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-258-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA has received reports indicating that during an evaluation of the aft strut insulation blankets that were installed on three Boeing Model 737 series flight test airplanes, cracks were found in the face sheets of the insulation blankets. Inspections on five in-service airplanes revealed two additional airplanes with such cracked insulation blankets. At the time these damaged insulation blankets were detected, the two in-service airplanes had accumulated 730 flight hours and 946 flight hours, respectively. Damage of these insulation blankets, which are located between the engine exhaust nozzle and the underside of the aft compartment of the engine strut, could cause the temperature on the bottom of that compartment to exceed normal limits during engine operation. That compartment is located immediately below the wing fuel tank and contains hydraulic lines and components where fuel leaks may occur. Such damage, if not corrected, could result in exposure of the lower surface of the strut to extreme high temperatures, consequent creation of a source of fuel ignition, and increased risk of a fuel tank explosion and fire.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-54A1038, dated May 7, 1998, as revised by Notice of Status Change 737-54A1038 NSC 01, dated June 18, 1998, which describes procedures for repetitive visual and borescope inspections to detect cracks in and/or separation of the face sheet of the aft strut insulation blanket. The alert service bulletin also describes procedures for replacement of the aft strut insulation blanket with a new, improved blanket, which would eliminate the need for the repetitive inspections. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions

specified in the alert service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Alert Service Bulletin

Operators should note that this AD proposes to mandate, within 18 months, the replacement of the aft strut insulation blankets that is described in Boeing Alert Service Bulletin 737-54A1038, as revised by Notice of Status Change 737-54A1038 NSC 01, as terminating action for the repetitive inspections.

The FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed replacement requirement is in consonance with these conditions.

Cost Impact

There are approximately 33 airplanes of the affected design in the worldwide fleet. The FAA estimates that 26 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$1,560, or \$60 per airplane, per inspection cycle.

It would take approximately 1 work hour per airplane to accomplish the proposed replacement, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the replacement proposed by this AD on U.S. operators is estimated to be \$1,560, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

ADDRESSES:

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 98-NM-258-AD.

Applicability: Model 737-600, -700, and -800 series airplanes, line numbers 1 through 64 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage of the aft strut insulation blankets, which could result in exposure of the lower surface of the strut to extreme high temperatures, consequent creation of a source of fuel ignition, and increased risk of a fuel tank explosion and fire, accomplish the following:

(a) Within 500 flight hours since date of manufacture of the airplane, or within 30 days after the effective date of this AD, whichever occurs later, perform a visual or borescope inspection to detect damage (cracks greater than 2.00 inches and/or separation of the face sheet) of the aft strut insulation blanket, part number (P/N) S315A213-42, in accordance with Boeing Alert Service Bulletin 737-54A1038, dated May 7, 1998, as revised by Notice of Status Change 737-54A1038 NSC 01, dated June 18, 1998. Thereafter, repeat the visual or borescope inspection at intervals not to exceed 250 flight hours.

(b) If damage (cracks greater than 2.00 inches and/or separation of the face sheet) of any aft strut insulation blanket is detected during any inspection required by paragraph (a) of this AD, prior to further flight, accomplish either paragraph (b)(1) or (b)(2) of this AD.

(1) Replace any damaged insulation blanket having P/N S315A213-42 with a new insulation blanket having P/N S315A213-42, in accordance with Boeing Alert Service Bulletin 737-54A1038, dated May 7, 1998, as revised by Notice of Status Change 737-54A1038 NSC 01, dated June 18, 1998. Thereafter, repeat the visual or borescope inspection required by paragraph (a) of this AD at intervals not to exceed 250 flight hours. Or

(2) Replace any damaged insulation blanket having P/N S315A213-42 with a new, improved insulation blanket having P/N S315A213-47, in accordance with Boeing Alert Service Bulletin 737-54A1038, dated May 7, 1998, as revised by Notice of Status Change 737-54A1038 NSC 01, dated June 18, 1998. Accomplishment of this replacement constitutes terminating action for the repetitive inspection requirements of this AD.

(c) Within 18 months after the effective date of this AD, replace any aft strut insulation blanket having P/N S315A213-42 with a new, improved insulation blanket having P/N S315A213-47, in accordance with Boeing Alert Service Bulletin 737-54A1038, dated May 7, 1998, as revised by Notice of Status Change 737-54A1038 NSC 01, dated June 18, 1998. Accomplishment of this replacement constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27603 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-250-AD]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F.28 Mark 0100 series airplanes. This proposal would require modification of the aft cabin sidewall area to improve decompression venting. For certain airplanes, this proposal also would require modification of the aft wardrobe/stowage area door and installation of decompression panels to improve decompression venting. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent damage to the cabin floor in the event of sudden decompression in the cargo compartment, which could result in injury to passengers, reduced structural integrity of the airplane, and the loss of airplane systems.

DATES: Comments must be received by November 16, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-250-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this

location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-250-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-250-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for

the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F.28 Mark 0100 series airplanes. The RLD advises that the decompression venting provisions in the aft cabin sidewall area and in the aft wardrobe/stowage area are inadequate in reducing the pressure differential between the passenger and cargo compartments in the event of a sudden decompression of the cargo compartment. Such inadequate reduction in the pressure differential could result in damage to the cabin floor. This condition, if not corrected, could result in injury to passengers, reduced structural integrity of the airplane, and loss of airplane systems.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF100-25-082, Revision 1, dated May 7, 1998, which describes procedures for modification of the aft cabin sidewall area to improve decompression venting. For airplanes equipped with an aft service/emergency door, Fokker also has issued Service Bulletin SBF100-25-083, dated April 30, 1998, which describes procedures for modification of the aft wardrobe/stowage area door and installation of decompression panels to improve decompression venting.

Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. The RLD classified these service bulletins as mandatory and issued Dutch airworthiness directive BLA 1998-065 (A), dated May 29, 1998, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same

type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 127 airplanes of U.S. registry would be affected by this proposed AD.

For all airplanes, it would take approximately 12 work hours per airplane to accomplish the proposed modification of the aft cabin sidewall area, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$3,450 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$529,590, or \$4,170 per airplane.

For airplanes equipped with an aft service/emergency door (70 airplanes), it would take approximately 6 work hours per airplane to accomplish the modification of the aft wardrobe/stowage area door and installation of decompression panels, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$9,000 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$655,200, or \$9,360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this

action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker Services B.V.: Docket 98–NM–250–AD.

Applicability: Model F.28 Mark 0100 series airplanes, serial numbers 11244 through 11504 inclusive, 11506, 11507, 11509, 11512 through 11515 inclusive, 11517, 11519, 11520, 11522, 11523, and 11527; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the cabin floor in the event of sudden decompression in the cargo compartment, which could result in injury to passengers, reduced structural integrity of the airplane, and the loss of airplane systems, accomplish the following:

(a) For airplanes listed in Fokker Service Bulletin SBF100–25–082, Revision 1, dated May 7, 1998: Within 26 months after the effective date of this AD, modify the aft cabin sidewall area to improve decompression venting in accordance with Fokker Service Bulletin SBF100–25–082, Revision 1, dated May 7, 1998.

(b) For airplanes listed in Fokker Service Bulletin SBF100–25–083, dated April 30, 1998: Within 26 months after the effective

date of this AD, modify the aft wardrobe/stowage area door and install decompression panels to improve decompression venting in accordance with Fokker Service Bulletin SBF100–25–083, dated April 30, 1998.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Dutch airworthiness directive BLA 1998–065 (A), dated May 29, 1998.

Issued in Renton, Washington, on October 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–27602 Filed 10–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–239–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes. This proposal would require replacement of the end-pieces of the expansion chamber attenuator (ECA) for the standby pump of the Number 2 hydraulic system with new, improved end-pieces. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent leakage of hydraulic fluid from the Number 2

hydraulic system due to failure of the end-pieces of the ECA, which could result in loss of nose wheel steering, flap operation, normal landing gear operation, and reduced redundancy in the brake and flight controls systems.

DATES: Comments must be received by November 16, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-239-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following

statement is made: "Comments to Docket Number 98-NM-239-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-239-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on certain Saab Model SAAB 2000 series airplanes. The LFV advises that it has received reports of excessive leakage of hydraulic fluid from the Number 2 hydraulic system. The cause of such leakage has been attributed to failure of the aluminum end-pieces on the expansion chamber attenuator (ECA) of the standby pump for the Number 2 hydraulic system. This condition, if not corrected, could result in loss of nose wheel steering, flap operation, normal landing gear operation, and reduced redundancy in the brake and flight controls systems.

Explanation of Relevant Service Information

Saab has issued Service Bulletin 2000-29-016, dated April 17, 1998, which describes procedures for replacement of the two end-pieces of the ECA for the standby pump for the Number 2 hydraulic system with new, improved end-pieces constructed of steel. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive (SAD) 1-126, dated April 20, 1998, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

This airplane model is manufactured in Sweden and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are

certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the action specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Information

Operators should note that the referenced service bulletin recommends incorporation of Saab Modification 6096 (reference Saab Service Bulletin 2000-29-015) at the time of accomplishment of the actions described in Saab Service Bulletin 2000-29-016. Saab Modification 6096 is similar to Saab Modification 6132 (reference Saab Service Bulletin 2000-29-016), in that it addresses modification of the end-pieces of the expansion chamber attenuator (ECA) of the Number 3 hydraulic system. However, this proposed AD would not require incorporation of Modification 6096 since modification of the Number 2 hydraulic system adequately addresses the unsafe condition.

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$820 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$3,000, or \$1,000 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Saab Aircraft AB: Docket 98-NM-239-AD.

Applicability: Model SAAB 2000 series airplanes, serial numbers -004 through -099 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent leakage of hydraulic fluid from the Number 2 hydraulic system due to failure of the end-pieces of the expansion chamber attenuator (ECA), which could result in loss

of nose wheel steering, flap operation, normal landing gear operation, and reduced redundancy in the brake and flight controls systems, accomplish the following:

(a) Within 4 months after the effective date of this AD, replace the two end-pieces of the ECA of the standby pump for the Number 2 hydraulic system with new, improved end-pieces constructed of steel, in accordance with Saab Service Bulletin 2000-29-016, dated April 17, 1998.

(b) As of the effective date of this AD, no person shall install on any airplane any ECA having P/N 7329114-691.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive (SAD) 1-126, dated April 20, 1998.

Issued in Renton, Washington, on October 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27601 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-221-AD]

RIN 2120-AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 20 Series Airplanes, Fan Jet Falcon Series Airplanes, and Fan Jet Falcon Series D, E, and F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Dassault Model Mystere-Falcon 20 series airplanes, Fan Jet Falcon series

airplanes, and Fan Jet Falcon Series D, E, and F series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to provide the flight crew with certain emergency procedures associated with an engine fire, or a rear compartment fire or overheat conditions. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent fire from spreading throughout the airplane due to an engine fire, or with a rear compartment fire or overheat conditions.

DATES: Comments must be received by November 16, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-221-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments,

in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-221-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-221-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Dassault Model Mystere-Falcon 20 series airplanes, Fan Jet Falcon series airplanes, and Fan Jet Falcon Series D, E, and F series airplanes. The DGAC advises that, during takeoff of a Fan Jet Falcon series airplane, an uncontained engine failure occurred when a bird was ingested into the engine. Fragments from the engine then penetrated the fuselage and two fuel feed tanks in the rear compartment, which ignited a fire that spread throughout the airplane. If the flight crew is unaware of the emergency procedures associated with an engine fire, or with a rear compartment fire or overheating conditions, a fire could spread throughout the airplane.

Explanation of Relevant Service Information

Dassault Aviation has issued Mystere-Falcon 731 Falcon Retrofit 20 Airplane Flight Manual DTM30528, Revision 10, dated January 20, 1998 (for Model Mystere-Falcon 20 series airplanes), and Fan Jet Falcon 20 Airplane Flight Manual DTM589/590/591/592, Revision 49, dated January 20, 1998 (for Model Fan Jet Falcon series airplanes and Model Fan Jet Falcon Series D, E, and F series airplanes). These AFM revisions provide the flight crew with certain emergency procedures associated with an engine fire, or with a rear compartment fire or overheating conditions. Accomplishment of the actions specified in these AFM revisions is intended to adequately address the

identified unsafe condition. The DGAC classified these AFM revisions as mandatory and issued French airworthiness directive 98-114-023(B), dated March 11, 1998, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require revising the AFM to provide the flight crew with certain emergency procedures associated with an engine fire, or with a rear compartment fire or overheating conditions.

Cost Impact

The FAA estimates that 197 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revision, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$11,820, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Dassault Aviation: Docket 98-NM-221-AD.

Applicability: All Model Mystere-Falcon 20 series airplanes, Fan Jet Falcon series airplanes, and Fan Jet Falcon Series D, E, and F series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is aware of the emergency procedures associated with an engine fire, or with a rear compartment fire or overheating conditions, and to prevent fire from spreading throughout the airplane, accomplish the following:

(a) Within 7 days after the effective date of this AD, revise the Limitations Section and Emergency Procedures Section of the FAA-approved Airplane Flight Manual (AFM) by accomplishing the action specified in either paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For Model Mystere-Falcon 20 series airplanes: Insert a copy of Dassault 731 Falcon Retrofit 20 Airplane Flight Manual DTM30528, Revision 10, dated January 20, 1998, into the AFM.

(2) For Model Fan Jet Falcon series airplanes and Model Fan Jet Falcon Series D,

E, and F series airplanes: Insert a copy of the Dassault Fan Jet Falcon Airplane Flight Manual DTM589/590/591/592, Revision 49, dated January 20, 1998, into the AFM.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 2: The subject of this AD is addressed in French airworthiness directive 98-114-023(B), dated March 11, 1998.

Issued in Renton, Washington, on October 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27598 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-216-AD]

RIN 2120-AA64

Airworthiness Directives; British Aerospace BAe Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace BAe Model ATP airplanes. This proposal would require repetitive inspections to detect wear damage on the nosewheel steering control cables located in the nosewheel bay of the nose landing gear (NLG); repetitive testing of the cable pulleys to detect seizing; and corrective action, if necessary. This proposal also would require repetitive replacement of the nosewheel steering control cables with new components. This proposal is prompted by issuance of mandatory continuing airworthiness information by

a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the nosewheel steering control cables, which could result in loss of the nosewheel steering or collapse of the NLG, and possible injury to the flightcrew and passengers.

DATES: Comments must be received by November 16, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-216-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice

must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-216-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-216-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace BAe Model ATP airplanes. The CAA advises that it received a report of failure of the nosewheel steering control cables located in the nosewheel bay of the nose landing gear (NLG) on a BAe Model ATP airplane. This failure was due to excessively worn nosewheel steering control cables. Wear of these cables can be intensified by a high number of landings and discrepant pulleys in the nosewheel steering system, which can result in a shorter service life for these parts. In one case, after failure of a nosewheel steering control cable, the NLG developed a divergent shimmy of the nosewheels, which caused structural failure and collapse of the NLG. Such failure of the nosewheel steering control cables, if not corrected, could result in loss of the nosewheel steering or collapse of the NLG, and possible injury to the flightcrew and passengers.

Explanation of Relevant Service Information

The manufacturer has issued British Aerospace Service Bulletin ATP-32-91, dated May 19, 1998, which describes procedures for repetitive visual and tactile inspections of the nosewheel steering control cables to detect excessive wear; repetitive testing of the cable pulleys to detect seizing; and corrective action [i.e., replacing the cable pulleys with new pulleys (if seized), and resetting the cable tension (if slack)], if necessary. The service bulletin also establishes a service life limit on the nosewheel steering control cables located at the top of the nosewheel bay, and describes procedures for repetitive replacement of the nosewheel steering control cables with new components. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

The manufacturer also has issued British Aerospace Alert Service Bulletin, ATP-A32-90, dated March 21, 1998, as an additional source of service information for the accomplishment of the visual and tactile inspections of the nosewheel steering control cables to detect excessive wear; a circuit check of the nosewheel steering control cable system; and replacement of any discrepant cable or pulley with a serviceable part.

U.S. Type Certification of Airplane

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$1,200, or \$120 per airplane, per inspection cycle.

It would take approximately 4 work hours per airplane to accomplish the proposed replacement, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$775 per airplane. Based on these figures, the cost impact of the replacement proposed by this AD on U.S. operators is estimated to be \$10,150, or \$1,015 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 98-NM-216-AD.

Applicability: Model BAe ATP airplanes, constructor's numbers 2002 through 2063 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the

requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the nosewheel steering control cables, which could result in loss of the nosewheel steering or collapse of the nose landing gear (NLG), and possible injury to the flightcrew and passengers, accomplish the following:

(a) Perform a visual and tactile inspection of the nosewheel steering control cables located in the nosewheel bay of the NLG to detect excessive wear, and test the cable pulleys for seizing, in accordance with British Aerospace Service Bulletin ATP-32-91, dated May 19, 1998; at the applicable time specified in paragraph (a)(1) or (a)(2) of this AD. Thereafter, repeat the inspection and test at intervals not to exceed 1,800 flight hours, or 2,400 landings, whichever occurs first.

(1) For airplanes on which the nosewheel steering control cables have accumulated 6,000 or more total flight hours, or 8,000 or more total landings as of the effective date of this AD, and for airplanes on which the time-in-service of the nosewheel steering control cables is unknown: Inspect and test within 600 flight hours or 800 landings after the effective date of this AD, whichever occurs first.

(2) For airplanes on which the nosewheel steering control cables have accumulated less than 6,000 total flight hours or 8,000 total landings as of the effective date of this AD: Inspect and test within 900 flight hours or 1,200 landings after the effective date of this AD, whichever occurs first.

(b) If any cable wear is outside the limits specified in British Aerospace Service Bulletin ATP-32-91, dated May 19, 1998, or if any discrepant pulley is detected during any inspection or test required by paragraph (a) of this AD, prior to further flight, replace the discrepant cable or pulley with a new component in accordance with the service bulletin. Thereafter, continue accomplishment of the actions required by paragraphs (a) and (c) of this AD at the intervals specified in those paragraphs.

(c) Replace the nosewheel steering control cables with new cables at the later of the times specified in paragraphs (c)(1) and (c)(2) of this AD in accordance with British Aerospace Service Bulletin ATP-32-91, dated May 19, 1998. Thereafter, repeat the replacement at intervals not to exceed 6,000 total flight hours or 8,000 total landings on the nosewheel steering cables, whichever occurs first.

(1) Within 900 flight hours or 1,200 landings after the effective date of this AD, whichever occurs first.

(2) Prior to the accumulation of 6,000 total flight hours or 8,000 total landings on the nosewheel steering cables, whichever occurs first.

Note 2: Accomplishment of the initial inspection or initial replacement of the nosewheel steering control cables prior to the effective date of this AD in accordance with British Aerospace Alert Service Bulletin ATP-A32-90, dated March 21, 1998, is considered acceptable for compliance with the initial inspection or initial replacement required by this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27597 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-215-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that currently requires modification of the trimmable horizontal stabilizer (THS). This action would add requirements for a one-time inspection of the flexible hoses of the elevator return lines on the THS to detect installation of incorrect clamps, or missing clamps or bonding leads; and for replacement of the clamps or bonding leads with new parts, if necessary. This proposal is prompted by

issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent leakage from hydraulic pipe fittings in the THS, which could result in failure of the THS and consequent reduced controllability of the airplane.

DATES: Comments must be received by November 16, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-215-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments

submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-215-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-215-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On August 11, 1995, the FAA issued AD 95-17-12, amendment 39-9342 (60 FR 43519, August 22, 1995), applicable to certain Airbus Model A320 series airplanes, to require modification of the trimmable horizontal stabilizer (THS). That action was prompted by a report of leakage from some of the hydraulic pipe fittings after a lightning strike. The requirements of that AD are intended to prevent such leakage from hydraulic pipe fittings, which could result in the loss of the pilot's ability to control the moveable surfaces of the THS.

Actions Related to Previous Rule

In relation to the actions required by AD 95-17-12, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that incorrect clamps were installed on certain Airbus Model A320 series airplanes, in accordance with Airbus Service Bulletin A320-29-1058, dated July 16, 1993. (That service bulletin was referenced in AD 95-17-12 as the appropriate source of service information for modification of the trimmable horizontal stabilizer.) The clamps referenced in that service bulletin were made for rigid hoses and not for correction of leakage in the flexible hoses, as required by AD 95-17-12. As a result of these findings, Airbus issued All Operator Telex (AOT) 29-10, dated June 15, 1994, which identified the correct clamps to use with the flexible hoses. The AOT also excluded a number of airplanes from the affected list because the correct clamps had been incorporated during production. Upon further investigation, however, the manufacturer discovered that incorrect clamps were installed on some of the airplanes that had been excluded.

Consequently, Airbus issued AOT 29-10, Revision 01, dated September 23, 1994, to provide procedures for inspection for installation of incorrect clamps on those airplanes that were identified as having been modified

during production. Subsequent investigation revealed that some of the airplanes modified in accordance with Revision 01 of the AOT were missing the clamps or bonding leads required for proper electrical contact with the flexible hoses of the elevator return lines.

Explanation of Relevant Service Information

Airbus has issued AOT 29-10, Revision 02, dated February 13, 1995, which describes procedures for a one-time inspection of the flexible hoses of the elevator return lines on the THS to detect installation of incorrect clamps, and missing clamps or bonding leads. That AOT also describes procedures for replacement of the clamps or bonding leads with new parts, if necessary.

Airbus also has issued Service Bulletin A320-29-1058, Revision 1, dated November 28, 1994, which updates the original issue of the service bulletin by specifying new, correct clamps for accomplishment of Airbus Modification 23556.

Accomplishment of the actions specified in the service information is intended to adequately address the identified unsafe condition. The DGAC classified this service information as mandatory and issued French airworthiness directive 93-123-046(B)R1, dated May 10, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 95-17-12 to continue to require modification of the THS. In addition, this proposed AD would add requirements for a one-time inspection of the flexible hoses of the elevator

return lines on the THS to detect installation of incorrect clamps, and missing clamps or bonding leads; and for replacement of the clamps or bonding leads with new parts, if necessary. The actions would be required to be accomplished in accordance with the service information described previously.

Cost Impact

There are approximately 126 airplanes of U.S. registry that would be affected by this proposed AD.

The modification that is currently required by AD 95-17-12, takes approximately 13 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts are provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the currently required modification on U.S. operators is estimated to be \$98,280, or \$780 per airplane.

The inspection that is proposed in this AD action would take approximately 5 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed inspection of this AD on U.S. operators is estimated to be \$37,800, or \$300 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket.

A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9342 (60 FR 43519, August 22, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 98-NM-215-AD. Supersedes AD 95-17-12, Amendment 39-9342.

Applicability: Model A320 series airplanes; serial numbers 002 through 008 inclusive, 010 through 014 inclusive, 016 through 078 inclusive, 080 through 104 inclusive, 106 through 363 inclusive, 365 through 384 inclusive, 386 through 411 inclusive, 413 through 433 inclusive, 435 through 457 inclusive, 459 through 467 inclusive, and 469 through 472 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent leakage from hydraulic pipe fittings in the trimmable horizontal stabilizer (THS), which could result in failure of the THS and consequent reduced controllability of the airplane, accomplish the following:

(a) For airplanes on which Airbus Modification 22621 and Airbus Modification 23556 have not been installed: Within 3,500 flight hours after September 21, 1995 (the effective date of AD 95-17-12), modify the THS in accordance with Airbus Service

Bulletin A320-29-1058, dated July 16, 1993, or Revision 1, dated November 28, 1994, and Airbus Service Bulletin A320-27-1041, Revision 2, dated April 20, 1994. After the effective date of this AD, only Revision 1 of Airbus Service Bulletin A320-29-1058 shall be used.

(b) For airplanes other than those identified in paragraph (a) of this AD: Within 3,500 flight hours after the effective date of this AD, modify the THS in accordance with Airbus Service Bulletin A320-29-1058, Revision 1, dated November 28, 1994, and Airbus Service Bulletin A320-27-1041, Revision 2, dated April 20, 1994.

(c) Within 500 flight hours after the effective date of this AD, perform a one-time inspection of the flexible hoses of the elevator return lines on the THS to detect installation of incorrect clamps, or missing clamps or bonding leads, in accordance with Airbus All Operator Telex (AOT) 29-10, Revision 02, dated February 13, 1995.

(1) If the correct clamps are installed, and there are no missing clamps or bonding leads, no further action is required by paragraph (b) of this AD.

(2) If any incorrect clamp is installed, prior to further flight, replace the incorrect clamp with the correct clamp; and, if any bonding lead is missing, prior to further flight, install a new bonding lead, in accordance with the AOT.

(3) If any clamp or bonding lead is missing, prior to further flight, install new parts in accordance with the AOT.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directive 93-123-046(B)R1, dated May 10, 1995.

Issued in Renton, Washington, on October 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-27596 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ASO-17]

Proposed Establishment of Class E2 Airspace; Atlanta Dekalb-Peachtree Airport, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E2 airspace at Atlanta, GA, for the Dekalb-Peachtree Airport. An automated weather observing system transmits the required weather observations continuously to The William B. Hartsfield, Atlanta International Airport Traffic Control Tower, the controlling facility for the airport, when the Dekalb-Peachtree Airport Traffic Control Tower is closed. Therefore, the airport now meets the criteria for Class E2 surface area airspace. The Class E2 airspace would consist of that airspace extending upward from the surface to but not including 700 feet within a 4-mile radius of Dekalb-Peachtree Airport.

DATES: Comments must be received on or before November 16, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 98-ASO-17, Manager, Airspace Branch, ASO-520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305-5586.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5586.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98-ASO-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO-520, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E2 airspace at Atlanta Dekalb-Peachtree Airport, GA. An automated weather observing system transmits the required weather observations continuously to The William B. Hartsfield, Atlanta International Airport Traffic Control Tower, the controlling facility for the airport when the Dekalb-Peachtree Airport Traffic Control Tower is closed. Therefore, the airport now meets the criteria for Class E2 surface area airspace when the Dekalb-Peachtree Airport Traffic Control Tower is closed. Class E2 airspace designations for airspace surface areas are published in Paragraph 6002 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR

71.1. The Class E2 airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas

* * * * *

ASO GA E2 Atlanta Dekalb-Peachtree Airport, GA [New]

Atlanta Dekalb-Peachtree Airport
(Lat 33°52'30" N, long. 84°18'08" W)

Within a 4-mile radius of the Dekalb-Peachtree Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will

thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on September 30, 1998.

Wade Carpenter,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 98–27720 Filed 10–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–116608–97]

RIN–1545–AV61

EIC Eligibility Requirements; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations pertaining to the eligibility requirements for certain taxpayers denied the earned income credit (EIC) as a result of the deficiency procedures.

DATES: The public hearing originally scheduled for Wednesday, October 21, 1998, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: LaNita Van Dyke of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–7190, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under § 1.32–3 of the Income Tax Regulations. A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on Thursday, June 25, 1998 (63 FR 34615), announced that the public hearing on proposed regulations under § 1.32–3 of the Income Tax Regulations would be held on Wednesday, October 21, 1998, beginning at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington DC.

The public hearing scheduled for Wednesday, October 21, 1998, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98–27711 Filed 10–14–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 100598D]

Mid-Atlantic Fishery Management Council and New England Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public hearings, request for comments.

SUMMARY: The Mid-Atlantic and the New England Fishery Management Councils (Councils) will hold public hearings to allow for input on development of the Spiny Dogfish Fishery Management Plan (FMP).

DATES: Written comments on the FMP will be accepted until November 23, 1998. The public hearings are scheduled to be held from October 26 to November 4, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Send comments to Christopher M. Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904 or Paul Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1036.

The hearings will be held in Maine, New Hampshire, Massachusetts, New York, New Jersey, Maryland, Virginia, and North Carolina. See **SUPPLEMENTARY INFORMATION** for locations of the hearings.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council, 302–674–2331, or Paul Howard, Executive Director, New England Fishery Management Council, 781–231–0422.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the proposed action is to initiate management of spiny dogfish (*Squalus acanthias*), pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976 as amended by the Sustainable Fisheries Act (SFA). For most of the first two decades of extended jurisdiction under the Magnuson-Stevens Act, the spiny dogfish was considered to be an

"underutilized" species of relatively minor value to the domestic fisheries of the U.S. East Coast. With the decline of more traditional groundfish resources in recent years, an increase in directed fishing for spiny dogfish has resulted in a nearly sixfold increase in landings in the last 7 years. Recent rapid expansion of the fishery has resulted in a dramatic increase in fishing mortality. Particularly troublesome is the fact that the fishery targets mature females because of their large size. The recent fishery expansion, in combination with the removal of a large portion of the adult female stock, has resulted in the species being designated as overfished by NMFS. The SFA requires remedial action by the Councils for stocks designated as overfished and requires that a management program be developed within 1 year of the date of notification that a species is overfished. The lack of any regulations pertaining to the harvest of spiny dogfish in the exclusive economic zone, combined with the recent rapid expansion of the domestic fishery, led the Councils to jointly develop a management plan for the species.

The management unit for this FMP is defined as the entire spiny dogfish population along the Atlantic coast of the United States. The overall goal of this FMP is to conserve spiny dogfish in order to achieve optimum yield from this resource in the western Atlantic Ocean.

To meet the overall goal, the following objectives have been adopted:

1. Reduce fishing mortality to ensure that overfishing does not occur;
2. Promote compatible management regulations between state and Council jurisdictions and the United States and Canada;
3. Promote uniform and effective enforcement of regulations;
4. Minimize regulations while achieving the management objectives stated above; and
5. Manage the spiny dogfish fishery so as to minimize the impact of the regulations on the prosecution of other fisheries, to the extent practicable.

The fishing year for spiny dogfish is the 12-month period beginning May 1.

Management Strategy

The SFA, which reauthorized and amended the Magnuson-Stevens Act, made a number of changes to the existing national standards. With respect to national standard 1, the SFA imposed new requirements concerning definitions of overfishing in fishery management plans. To comply with national standard 1, the SFA requires that each Council FMP define

overfishing as a rate or level of fishing mortality that jeopardizes a fishery's capacity to produce maximum sustainable yield (MSY) on a continuing basis.

Each FMP must specify objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. To fulfill the requirements of the SFA, status determination criteria for spiny dogfish comprise two components: (1) A maximum fishing mortality threshold and (2) a minimum stock size threshold. The maximum F threshold for spiny dogfish is specified as F_{MSY} . The minimum biomass threshold is specified as one-half B_{MSY} . For spiny dogfish, the stock size that would maximize average recruitment is known as the SSB_{max} and is recommended as a proxy value for B_{MSY} . This target value is currently estimated to be 440 million lb (200,000 mt).

An additional requirement of the SFA is that stocks that are identified as overfished (i.e., stock biomass is less than minimum biomass threshold) must be rebuilt to the level that will produce maximum sustainable yield (B_{MSY}). The SFA guidelines advise that, in most cases, the stock rebuilding period may not exceed 10 years. The most recent stock assessment data indicate that total adult spiny dogfish stock biomass is currently about 280 million lb (127,000 mt), which is well below the stock biomass target of 440 million lb (200,000 mt). As a result, the Councils propose to rebuild the spiny dogfish stock to the B_{MSY} level (as represented by the proxy of SSB_{max}) over a 10-year rebuilding period through the implementation of this FMP.

The preferred alternative will eliminate overfishing and rebuild the spiny dogfish stock through a two-step reduction in the fishing mortality rate. The first step allows for a 1-year exit fishery of 22 million lb (10,000 mt) to allow a phaseout of the directed fishery. This approach was chosen to minimize the impact of the rebuilding program on both the harvest and processing sectors of the industry. For the first year of the rebuilding plan (1999–2000), F will be reduced to 0.2 and then will be reduced to $F = 0.03$ in the remaining 9 years of the rebuilding plan (2000–2009). This schedule allows for stock rebuilding to the level that will support harvests at or near the SSB_{max} level in the year 2009.

The Councils are seeking public comment on the following management program adopted by the Councils for public hearings:

Preferred Management Measures

The Councils are proposing a number of preferred management measures to meet the objectives of the FMP. These preferred alternatives are as follows:

1. Permit and reporting requirements for commercial vessels, operators, and dealers.
2. The establishment of a Spiny Dogfish FMP Monitoring Committee.
3. The implementation of a framework adjustment process.
4. A 10-year stock rebuilding schedule.
5. A commercial quota.
6. Seasonal (semi-annual) allocation of the quota.
7. A prohibition on finning.
8. A limit of 80 nets (50 fathoms each) in the spiny dogfish gillnet fishery.

Alternatives to the Preferred Management Actions

A number of alternatives to the proposed management measures have been identified by the Councils for consideration by the public. These non-preferred alternatives include:

1. A no-action at this time.
2. Alternative rebuilding schedules.
3. A commercial quota with trip limits.
4. A commercial quota with alternative seasonal allocations.
5. A commercial quota with alternative size limits including a slot size limit.
6. A limited entry program for the spiny dogfish commercial fishery.
7. A target commercial quota.

Public Hearings

The hearings will begin at 7 p.m., with the exception of the New York hearing, which begins at 7:30 p.m. The dates and locations are as follows:

1. October 26, 1998—Seaport Inn and Marina, 110 Middle Street, Fairhaven, MA;
2. October 27, 1998—Four Points Sheraton Hyannis, Route 132, Hyannis, MA;
3. October 27, 1998—Hampton Inn, 402 Halstead Boulevard, Elizabeth City, NC;
4. October 28, 1998—Ramada East End, 1830 Route 25, Riverhead, NY;
5. October 28, 1998—Virginia Marine Resources Commission, 2600 Washington Avenue, Newport News, VA;
6. November 2, 1998—Cape May County Extension Office, Dennisville Road, Route 657, Cape May Courthouse, NJ;
7. November 3, 1998—Dunes Manor, 2800 Baltimore Avenue, Ocean City, MD;
8. November 3, 1998—Holiday Inn by the Bay, 88 Spring Street, Portland, ME; and

9. November 4, 1998—Sheraton, 250 Market Street, Portsmouth, NH.

The hearings will be tape recorded with the tapes filed as the official transcript of the hearings.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council office at least 5 days prior to the hearing date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 7, 1998.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 98-27582 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 100698B]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone. The full Council meeting will begin at 1:30 p.m., following a meeting of the Council's Herring Committee on October 28.

DATES: The meeting will be held on Wednesday, October 28, 1998, at 9:30 a.m. and on Thursday, October 29, 1998, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn Hotel and Convention Center, 88 Spring Street, Portland, ME 04101; telephone (207) 775-2311. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036; telephone: (781) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, (781) 231-0422.

SUPPLEMENTARY INFORMATION:

Wednesday, October 28, 1998

At 9:30 a.m., the Council will convene a meeting of its Herring Committee to continue discussions and select final management measures for the Fishery Management Plan (FMP) for the Atlantic Herring Fishery. Management measures under discussion will include, but not be limited to, restrictions for large domestic processing vessels (such as size limits or sector allocations) and vessel tracking system (VTS) requirements. The full Council meeting will begin in the afternoon at 1:30 p.m. when Council Executive Director Paul Howard presents the details of an annual FMP review and adjustment process for each Council plan and public participation procedures. The Herring Committee Report will follow, during which the committee chairman will ask the Council for approval of the outstanding Herring FMP management measures (including recommended measures for large domestic processing vessels and VTS requirements) after a review of public comments and committee and advisory panel recommendations. The Council is also expected to review and approve FMP documents (description of measures, draft regulatory text and summary of impacts).

Thursday, October 29, 1998

The meeting will begin with reports on recent activities from the Council Chairman, Executive Director, the NMFS Acting Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, and representatives of the Coast Guard, the Atlantic States Marine Fisheries Commission, and the U.S. Fish and Wildlife Service. The Whiting Committee will ask for approval of measures for Amendment 12 (whiting) to the Northeast Multispecies FMP after a review of the public and advisory panel comments and committee recommendations. Major elements of the management program include new overfishing definitions and the specification of optimum yield as required by the Sustainable Fisheries Act, a moratorium on commercial whiting permits, a Cultivator Shoal season change, management alternatives for the northern, southern, and Cultivator Shoal management areas including minimum mesh sizes and possession limits, restrictions on the transfer of whiting and red hake at sea, and a final essential fish habitat designation for offshore hake. The Groundfish Committee will seek approval of initial action on a framework adjustment to the Northeast

Multispecies FMP (Framework 26) that calls for measures to protect cod prior to May 1, the start of the 1999 fishing year. Measures under consideration include expanding the existing Gulf of Maine groundfish closures in time and area and, possibly, expanding them to waters east of Cape Cod; prohibiting the use of "crucifiers," a device used in the hook fishery to sort fish by size; and prohibiting the landing of overages of the Gulf of Maine cod trip limit (eliminating the "running clock"). The meeting will conclude with a presentation of the Draft Highly Migratory Species FMP. NMFS staff from the Highly Migratory Species Division will summarize the proposed FMP and take questions and comments. Any other outstanding Council business also will be discussed at this time.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98-27581 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 648 and 649

[I.D. 100798B]

RIN 0648-AL36

Fisheries of the Northeastern United States; American Lobster Fishery; Fishery Management Plan (FMP) Amendments to Achieve Regulatory Consistency on Permit Related Provisions for Vessels Issued Limited Access Federal Fishery Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of an omnibus amendment to FMPs; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic and New England Fishery Management Councils have submitted an omnibus amendment that includes Amendment 11 to the Summer Flounder, Scup, and Black Sea Bass FMP; Amendment 7 to the Atlantic Mackerel, Squid, and Butterfish FMP; Amendment 11 to the Atlantic Surf Clam and Ocean Quahog FMP; Amendment 8 to the Atlantic Sea Scallop FMP; Amendment 10 to the Northeast Multispecies FMP; and Amendment 7 to the American Lobster FMP. These amendments implement regulations to achieve regulatory consistency on vessel permitting for FMPs that have limited access permits issued by NMFS Northeast Region. The proposed regulations are intended to facilitate transactions such as buying, selling, or upgrading commercial fishing vessels issued limited access permits. Consistency on these regulations is especially important for vessels that have limited access permits in more than one fishery in the Northeast Region.

DATES: Public comments must be received on or before December 14, 1998.

ADDRESSES: Comments on this proposed rule should be sent to Jon C. Rittgers, Acting Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Proposed Rule for Permit Consistency."

Copies of these amendments, the regulatory impact review, and the

environmental assessment are available from Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790, or from Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, Fishery Policy Analyst, 978-281-9279.

SUPPLEMENTARY INFORMATION: These proposed amendments would implement consistent measures to govern permit-associated activities for all Northeast Region FMPs which have limited access permits. None of the proposed measures would apply retroactively. The measures would (1) allow a one-time vessel upgrade/replacement allowance of 10 percent in size (length overall, gross registered tons, and net tons, or 20 percent in horsepower for all limited access permits except American lobster (an engine horsepower increase may be performed separately from a vessel size increase); (2) require that the fishing and permit history of a vessel and the replacement vessel be owned by the same person when transferring limited access permits to replacement vessels; (3) allow voluntary replacement of vessels, regardless of vessel condition; (4) require that the fishing and permit history of a vessel transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement between the buyer and seller, or other credible written evidence, verifying that the seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel; (5) set the effective date of these amendments as the vessel baseline specification date for FMPs without

baselines (scup, *Loligo*/butterfish, *Illex*, black sea bass, and mahogany quahog); (6) set the effective date of these amendments as the revised replacement baseline date and the newly established upgrade baseline date for the summer flounder FMP; (7) authorize the permanent voluntary relinquishment of permit eligibility; (8) implement a restriction on permit splitting; and (9) require a one-time Confirmation of Permit History registration, and annual permit renewal. For the American Lobster FMP, the amendments would prohibit permit splitting and require a one-time Confirmation of Permit History registration.

A proposed rule that would implement the FMP amendments may be published in the **Federal Register** for public comment, following NMFS' evaluation of the proposed rule under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act. Public comments on the proposed rule must be received by the end of the comment period on the FMP amendments in order to be considered in the approval/disapproval decision on the FMP amendments. All comments received by December 14, 1998, whether specifically directed to the FMP amendments or the proposed rule, will be considered in the approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on the FMP amendment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27637 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-22-F

Notices

Federal Register

Vol. 63, No. 199

Thursday, October 15, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Northwest Sacramento Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Northwest Sacramento Provincial Advisory Committee (PAC) will meet on October 9, 1998, at the BLM Conference Room, 355 Hemstead, Redding, California. The meeting will begin at 9:00 am and adjourn at 5:00 pm. Agenda items include: (1) PAC Recombination Proposal; (2) Pit River Hydroelectric (FERC) Relicensing Project; (3) Clear Creek Watershed—update on grant proposals (CalFed and EPA); and (4) Public Communication Team Proposal. All PAC meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Connie Hendryx, USDA, Klamath National Forest, 1312 Fairlane Road, Yreka, California 96097; telephone 530-841-4468.

Dated: October 8, 1998.

Patrick G. Pontes,

Acting Forest Supervisor.

[FR Doc. 98-27642 Filed 10-14-98; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Connecticut and Rhode Island

AGENCY: Natural Resources Conservation Service (NRCS) in

Connecticut and Rhode Island, U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Connecticut and Rhode Island for review and comment.

SUMMARY: It is the intention of the NRCS in Connecticut and Rhode Island to issue revised conservation practice standards: Riparian Forest Buffer (Code 391A), Riparian Herbaceous Buffer (Code 759), Restoration and Management of Natural Ecosystems (Code 766).

DATES: Comments will be received until November 16, 1998.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to Margo L. Wallace, State Conservationist, Natural Resources Conservation Service (NRCS), 16 Professional Park Road, Storrs, Connecticut 06268-1299. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State Technical Guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Connecticut and Rhode Island will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Connecticut and Rhode Island regarding deposition of those comments and a final determination of change will be made.

Dated: September 28, 1998.

Margo L. Wallace,

State Conservationist, Natural Resources Conservation Service.

[FR Doc. 98-27589 Filed 10-14-98; 8:45 am]

BILLING CODE 3410-16-U

COMMISSION ON CIVIL RIGHTS

Hearing on the Americans With Disabilities Act

AGENCY: Commission on Civil Rights.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given pursuant to the provisions of the Civil

Rights Commission Amendments Act of 1994, Section 3, Public Law 103-419, 108 Stat. 4338, as amended, and 45 CFR 702.3., that a public hearing before the U.S. Commission on Civil Rights will commence on Thursday, November 12 through Friday, November 13, 1998, beginning daily at 8:00 a.m., in the Washington Room, at the Washington Plaza Hotel, 10 Thomas Circle, N.W., Washington, D.C. 20005. The purpose of the hearing is to collect information within the jurisdiction of the Commission, under 45 CFR 702.2, related particularly to discrimination against qualified individuals with a disability in regard to either employment or the delivery of services, programs or activities of state and local government under Title I and Title II, Subtitle A of the Americans With Disabilities Act.

The Commission is authorized to hold hearings and to issue subpoenas for the production of documents and the attendance of witnesses pursuant to 45 CFR 701.2(c). The Commission is an independent bipartisan, fact finding agency authorized to study, collect, and disseminate information, and to appraise the laws and policies of the Federal Government, and to study and collect information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Hearing impaired persons who will attend the hearing and require the services of a sign language interpreter, should contact Betty Edmiston, Administrative Services and Clearinghouse Division at (202) 376-8105 (TDD (202) 376-8116), at least five (5) working days before the scheduled date of the hearing.

FOR FURTHER INFORMATION CONTACT: Barbara Brooks, Press and Communications (202) 376-8312.

Dated: October 9, 1998.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 98-27675 Filed 10-9-98; 2:34 pm]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE**Bureau of the Census****Census Advisory Committees on the African American Population, the American Indian and Alaska Native Populations, the Asian and Pacific Islander Populations, and the Hispanic Population**

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (P.L. 92-463 as amended by Public Law 94-409, Public Law 96-523, and Public Law 97-375), we are giving notice of a joint meeting, followed by separate and concurrently held meetings of the Census Advisory Committees (CACs) on the African American Population, the American Indian and Alaska Native Populations, the Asian and Pacific Islander Populations, and the Hispanic Population.

The CACs on the African American, American Indian and Alaska Native, and Hispanic Populations are comprised of 9 members each, and the Asian and Pacific Islander is comprised of 13 members. The Secretary of Commerce appoints the members. The Committees provide a channel of communication between the representative communities and the Bureau of the Census on its efforts to reduce the differential in the count for Census 2000 and on ways that census data can be disseminated to maximum usefulness to their communities and other users.

The Committees will draw on past experience with the 1990 census process and procedures, results of evaluations and research studies, and the expertise and insight of their members to provide advice and recommendations for the implementation and evaluation phases of Census 2000.

DATES: The joint meeting will convene on November 5-6, 1998. The November 5 meeting will begin at 8:30 a.m. and end at 5 p.m.; the November 6 meeting will begin at 8:45 a.m. and end at 4 p.m. Last-minute changes to the schedule are possible, which could prevent us from giving advance notice.

ADDRESSES: The meeting will take place in the Francis Amasa Walker Conference Center at the Bureau of the Census, Federal Building 3, 4700 Silver Hill Road, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room

1647, Federal Building 3, Washington, DC 20233, telephone 301-457-2308, TDD 301-457-2540.

SUPPLEMENTARY INFORMATION: The agenda for the November 5 combined meeting, which will begin at 8:30 a.m. and end at 5 p.m., will include discussions on: (1) The Dress Rehearsal procedures and operation and evaluation; (2) Committee members' observations of Dress Rehearsal; and (3) Census 2000, particularly the Language Program.

The four committees will meet separately and concurrently in the morning and in the afternoon. The Joint Committee meeting will break for the concurrent meetings. The following are items that will be included in the November 5 agendas for the four committees.

The agenda for the CAC on the African American Population will include: (1) The review of Committee recommendations and responses; (2) an update on constituency building; (3) the census information centers update; (4) models in excellence update; (5) Committee members' reports from the Regional meetings on advertising; (6) Language Program; and (7) review topics for next day discussions.

The agenda for the CAC on the American Indian and Alaska Native Populations will include: (1) The review of Committee recommendations and responses; (2) "Indian Page" on Census Web site; (3) an update on statistical estimation issues; (4) Committee members' reports from the regional meetings on advertising; (5) Language Program; and (6) a review of topics for next-day discussions.

The agenda for the CAC on the Asian and Pacific Islander Populations will include: (1) Review of Committee recommendations and responses; (2) an update on Hawaiian homelands; (3) the amended charter and subcommittees; (4) Language Program; (5) the census information centers updates; (6) a review of topics for next-day discussions; (7) Committee members' reports from the regional meetings on advertising; and (8) data products.

The agenda for the CAC on the Hispanic Population will include: (1) A review of Committee recommendations and responses; (2) an update on constituency building; (3) Language Program; (4) diversity in the work force; (5) Committee members' reports from the regional meetings on advertising; (6) the census information centers updates; and (7) a review of topics for next-day discussions.

The agenda for the November 6 combined meeting, which will begin at

8:45 a.m. and end at 4 p.m., includes:

(1) A discussion of Preliminary Data on Race and Hispanic Origin from Dress Rehearsal; (2) Tabulation Guidelines for Race and Ethnic Data: a discussion with Office of Management and Budget and representatives from other federal agencies; (3) Discussion on Advertising Campaign and Partnership Activities; (4) public comment; (5) Advisory Committee discussion; and (6) Committee recommendations.

On November 6, the four committees will meet separately and concurrently in the afternoon. The Joint Committee will break for these concurrent meetings. Each of the four Committees (African American Population, American Indian and Alaska Native Populations, Asian and Pacific Islander Populations, and Hispanic Population) will address draft recommendations.

All meetings are open to the public, and a brief period is set aside on November 6 for public comment and questions. Individuals with extensive questions or statements must submit them in writing to the Committee Liaison Officer named above at least three days before the meeting.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer.

Dated: October 8, 1998.

James F. Holmes,

Acting Director, Bureau of the Census.

[FR Doc. 98-27595 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-07-U

DEPARTMENT OF COMMERCE**Bureau of the Census****Census Advisory Committee on the American Indian and Alaska Native Populations**

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Public Law 94-409, Public Law 96-523, and Public Law 97-375), we are giving notice of a meeting of the Census Advisory Committee on the American Indian and Alaska Native Populations.

The Committee is composed of nine members appointed by the Secretary of Commerce. The Committee provides a channel of communication between the representative communities and the Bureau of the Census on its efforts to

reduce the differential in the population totals from Census 2000 and on ways that the decennial census data can be disseminated to maximize usefulness to their communities and other users.

The Committee will draw on past experience with the 1990 census process and procedures, results of evaluations and research studies, and the expertise and insight of its members to provide advice and recommendations for the implementation and evaluation phases of Census 2000.

DATES: The meeting will convene on November 4, 1998. The meeting will begin at 12 noon and end at 5:15 p.m. Last-minute changes to the schedule are possible, which could prevent us from giving advance notice.

ADDRESSES: The meeting will take place in the Francis Amasa Walker Conference Center at the Bureau of the Census, Federal Building 3, 4700 Silver Hill Road, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233, telephone 301-457-2308, TDD 301-457-2540.

SUPPLEMENTARY INFORMATION: The agenda for the November 4 meeting, which will begin at 12 noon and adjourn at 5:15 p.m., will focus on updates and plans related to the enumeration of the American Indian and Alaska Native Populations, particularly in American Indian and Alaska Native areas.

The meeting is open to the public, and a brief period is set aside, during the closing session, for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer named above at least three days before the meeting.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liaison Officer.

Dated: October 8, 1998.

James F. Holmes,

Acting Director, Bureau of the Census.

[FR Doc. 98-27594 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-07-U

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on October 27 and 28, 1998, 9:00 a.m., Room 1617M-2, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW, Washington, DC. This Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

October 27

General Session 9:00 am–11:00 am

1. Opening remarks by the Chairman.
2. Discussion on General Accounting Office reports on High Performance Computing.
3. Discussion of Composite Theoretical Performance recommendations for electronic subassemblies (chips) and High Performance Computing.
4. Comments or presentations by the public.

October 27 and 28:

Closed Session

5. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

The General Session of the meeting is open to the public and a limited number of seats will be available. Reservations are not required. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to the address listed below: Ms. Lee Ann Carpenter, Advisory Committees MS: 3886C, U.S. Department of Commerce, 15th St. & Pennsylvania Ave. NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 3, 1997, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of

meetings of these Committees and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of these Committees is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Lee Ann Carpenter, 202-482-2583.

Dated: October 8, 1998.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 98-27730 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-33-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice and request for comment on policy concerning assessment of antidumping duties and request for comment.

SUMMARY: The Department of Commerce (the Department) has observed that there is confusion among parties importing merchandise into the United States subject to an antidumping duty order about the application of the Department's regulation on automatic liquidation where a reseller has been involved in the chain of commerce for merchandise. This notice clarifies the Department's interpretation of its automatic-liquidation regulation and requests public comment before it adopts a final interpretation.

FOR FURTHER INFORMATION CONTACT: Joan L. MacKenzie, Senior Attorney, Office of the Chief Counsel for Import Administration, (202) 482-1310, or Laurie Parkhill, Director, Office 3, Import Administration, (202) 482-4733.

SUPPLEMENTARY INFORMATION: This notice proposes to clarify the Department's regulation on automatic liquidation at 19 CFR 351.212(c). At issue is whether a producer's company-specific cash deposit rate can serve as

the basis for automatic liquidation under section 351.212(c) where an intermediary (e.g., a reseller, a trading company, an exporter) exports the merchandise and where the entries are suspended at the producer's cash-deposit rate. This notice uses the term "reseller" to apply to any intermediary that could be an interested party as defined in section 771(9)(A) of the Tariff Act of 1930, as amended (the Act).

Summary of Proposed Clarification

As discussed in detail below, the Department's position is that automatic liquidation at the cash deposit rate required at the time of entry can only apply to a reseller if no administrative review has been requested, either of the reseller or of any producer of the merchandise the reseller exported to the United States, and the reseller does not have its own cash deposit rate. If the Department conducts a review of a producer of the reseller's merchandise where entries of the merchandise were suspended at the producer's rate, automatic liquidation will not apply to the reseller's sales. If, in the course of an administrative review, the Department determines that the producer knew that the merchandise it sold to the reseller was destined for the United States, the reseller's merchandise will be liquidated at the producer's assessment rate which the Department calculates for the producer in the review. If, on the other hand, the Department determines in the administrative review that the producer did not know that the merchandise it sold to the reseller was destined for the United States, the reseller's merchandise will not be liquidated at the assessment rate the Department determines for the producer or automatically at the rate required as a deposit at the time of entry. In that situation, the entries of merchandise from the reseller during the period of review will be liquidated at the all-others rate if there was no company-specific review of the reseller for that review period.

Effective Date

The Department proposes that this clarification apply to all entries for which the anniversary date for requesting an administrative review is on or after the date of publication of a final notice on this issue.

Discussion

The longstanding principle behind the Department's assessment policy is that company-specific assessment rates must be based on the sales information of the first company in the commercial

chain that knew, at the time the merchandise was sold, that the merchandise was destined for the United States. See, e.g., Stainless Steel Sheet and Strip Products from the Federal Republic of Germany, 48 FR 20459, 20460 (1983); Small Business Telephone Systems and Subassemblies from Korea, 54 FR 53141, 53147-48 (1989); Oil Country Tubular Goods from Canada, 55 FR 50739, 50740 (1990); Chrome-Plated Lug Nuts from Taiwan, 56 FR 36130 (1991); Antifriction Bearings (Except Tapered Roller Bearings) and Parts Thereof from Japan, 56 FR 31754, 31756 (1991); Television Receivers from Japan, 58 FR 11211, 11216 (1993). If dumping is occurring, the company that sets the price of the merchandise sold in the United States is responsible for the dumping, and any company-specific assessment rate must reflect that company's sales prices to the United States.

The existence of dumping is initially determined in a less-than-fair-value investigation. The Department investigates all producers, where practicable (19 CFR 351.204(c)). It also investigates other foreign interested parties, if there are resources to do so, although it is seldom possible to investigate resellers in an antidumping investigation (19 CFR 351.204(d)). If the Department makes a preliminary affirmative determination that dumping is occurring, it calculates company-specific weighted-average dumping margins for investigated companies (19 CFR 351.204(c)). These dumping margins are estimates of dumping activity. The Department also calculates an "all-others" dumping margin, which is the simple average of the calculated company-specific margins. This rate applies to entries of merchandise from producers and exporters for which the Department has not established a company-specific rate.

The Department publishes a notice in the **Federal Register** of its preliminary determination and orders the U.S. Customs Service to collect a bond or cash deposit at the time the merchandise subject to the investigation enters the United States (19 CFR 351.205(d)). The bond/cash deposits serve as security for the final amount of dumping liability. The estimated dumping margins the Department determines in the investigation set the bond/cash deposit rate; in other words, the producer's company-specific dumping margin which the Department determines is the bond/cash deposit rate for merchandise produced by that producer and imported into the United States.

After notice and opportunity for comment, the Department calculates final dumping margins. If the International Trade Commission makes a final affirmative determination that the dumping is causing injury to the U.S. industry, the Department publishes an antidumping duty order and instructs the Customs Service to continue to collect a cash deposit at the time the merchandise subject to the order enters the United States; bonds are no longer an option for importers to post as security (19 CFR 351.211).

The Department instructs Customs to apply any reseller's company-specific cash deposit rate to entries of merchandise sold by that reseller. If there is no company-specific reseller cash deposit rate and the importer identifies the producer, the Department instructs Customs to apply the producer's cash deposit rate to the entry. This logic stems from the fact that, when subject merchandise enters the United States through a reseller, the Department does not know who set the price of the subject merchandise to the United States. The Department instructs Customs to apply the producer's cash deposit rate where the producer of the merchandise is identified on the assumption that the producer knew that the merchandise was destined for the United States. This assumption is more often true than not. Subject merchandise sold through a reseller and imported where there is no company-specific reseller rate or where the importer did not identify the producer of the merchandise is subject to the all-others cash deposit rate.

After the passage of a year from the month the antidumping duty order was published (called the anniversary month) and annually thereafter, interested parties must decide whether to ask the Department to conduct an administrative review of sales for the past year under section 751(a)(1) of the Act. Reasons for such requests will vary; generally, a party will request a review of a producer or of an exporter with its own rate because the party believes the actual dumping liability is higher or lower than the cash deposit. Parties may decide to request a review of a reseller which does not have its own rate because they believe the actual dumping liability is higher or lower than the cash deposit or, if the producer which supplied the reseller is reviewed, the all-others rate.

During the anniversary month, a domestic interested party or an interested party described in section 771(9)(B) of the Act may request in writing that the Secretary conduct an administrative review of specified

individual exporters or producers covered by an order if the requesting person states why the person desires the Secretary to review those particular exporters or producers (19 CFR 351.213). During the same month, an exporter or producer covered by an order may request that the Secretary conduct an administrative review of only that person. Also during the anniversary month, an importer of the merchandise may request that the Secretary conduct an administrative review of only an exporter or producer of the subject merchandise which that importer imported into the United States.

If no interested party requests a review of a producer's sales, automatic liquidation applies to entries of merchandise exported by that producer (19 CFR 351.212(b)). Because no review has been requested, there is no reason to continue to suspend liquidation of the entries. The producer's cash deposit rate at the time of entry serves as the assessment rate for the entries during that period. Likewise, entries of a producer's merchandise sold to the United States by a reseller will be liquidated at the producer's cash deposit rate (if there is no company-specific rate for the reseller at the time of entry and no review of the reseller or the producer has been requested). Because no review has been requested for either the producer or the reseller, no one is challenging the assumption, which the Department made when it assigned the producer's cash deposit rate to the entries from the reseller, that the producer set the price of the merchandise which the reseller sold to the United States.

If, however, an interested party requests the Department to conduct a review of the producer's sales, the review applies to all sales of the producer, including any sales to resellers of the producer's merchandise, unless the reseller had its own company-specific rate at the time of entry and the producer did not know that the sales to the reseller were destined for the United States. In conducting the review the Department will determine whether the producer or the reseller set the price of the merchandise to the United States, based on evidence submitted on the record of the review.

During the course of any administrative review, the Department sends questionnaires to the foreign companies for which reviews have been initiated, seeking extensive information on the companies' sales to the United States and foreign market sales. A company reports sales that it knew at

the time of the sale were destined for the United States as its U.S. sales. At the conclusion of the review the Department instructs Customs to assess antidumping duties at the producer's company-specific (or, as applicable, customer-specific) assessment rate which the Department determined in conducting the review.

The producer will report sales of the subject merchandise for which it did not know the destination of the merchandise as foreign market sales. These may include sales to resellers of merchandise that ultimately came to the United States without the producer's knowledge where the entries of the merchandise were suspended at the producer's cash deposit rate. Because the producer did not set the price to the United States for these sales, these entries of this merchandise will not be assessed final antidumping duties at the producer's rate at the conclusion of the review. The rate instead will be based on the interested party in the chain of commerce that actually set the price to the United States. If the Department did not conduct a review of that party, however, there is no company-specific rate applicable to these entries. In the absence of a company-specific rate, the Department will base the assessment rate on the "all-others" rate.

Confusion has arisen because of the Department's practice of assigning the producer's cash deposit rate to resellers' merchandise that identifies the producer at the time of entry. Resellers have asserted that, if the Department determined during the review that the producer did not set the price of the reseller's merchandise to the United States, entries of such merchandise are subject to automatic liquidation at the rate required at the time of entry because no one requested a review of the reseller. This is inconsistent with the Department's assessment policy, however, that company-specific assessment rates must be based on the sales information of the first company in the commercial chain that knew, at the time the merchandise was sold, that the merchandise was destined for the United States. Since the evidence in the record of the administrative review shows that the producer did not set the price of those sales, the assessment of duties on merchandise exported by the resellers cannot be based on the producer's rate. As no review of the reseller's sales was conducted, there is no company-specific data on which to base a company-specific reseller rate. Therefore, the only appropriate assessment rate is the all-others rate.

This practice has been upheld by the Court of International Trade (CIT). A

similar issue arose in litigation involving televisions from Japan (*ABC International v. United States*, 19 C.I.T. 787 (1995)). In this case ABC imported televisions from Japan, identifying the producers as Sharp, Toshiba, and JVC. The cash deposit rates for merchandise produced by these producers were zero at the time of entry. Because the importer identified the producer at the time of entry, the Department required the importer to deposit estimated antidumping duties at the producer's cash deposit rate. The Department then conducted an administrative review of the producers. Liquidation of ABC's entries was suspended during the conduct of the review, since the producers identified at the time of entry were subject to review. The review resulted in margins for the producers that ranged from 20 to 40 percent, and the Department ordered liquidation of all entries of merchandise produced by these firms (including ABC's entries) at the producers' rates determined in the administrative review. ABC did not participate in the review.

After the entries were liquidated, ABC sued the Department, alleging that its entries should have been liquidated automatically at the zero cash deposit rate because its entries were not reviewed. The Department took the position that, because the review was closed and because ABC did not either participate in the review of the producers or request a review of the exporter/reseller, it was foreclosed from raising the issue in a protest. The CIT upheld the Department, noting that automatic liquidation applies only where there was no review of the reseller or the producer of the reseller's merchandise.

The Department recognizes that this policy will increase the need of resellers to participate in the Department's proceedings. If a reseller believes that the producer is not setting the price to the United States, it should participate in the administrative review on this issue. The only way that reseller or exporter can have its own company-specific rate is to have an administrative review of its own.

The Department invites comments on this clarification. Written comments are due October 30, 1998. Address written comments to Robert S. LaRussa, Assistant Secretary for Import Administration, Dockets Center, Room 1870, Pennsylvania Avenue and 14th Street, N.W., Washington, D.C. 20230. Attention: Laurie Parkhill, Comment on Automatic Liquidation.

Dated: October 8, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-27729 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Change in Policy Regarding Timing of Issuance of Critical Circumstances Determinations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("the Department") has revised its policy regarding the timing of issuance of critical circumstances determinations. We are now announcing this change in policy.

DATES: This policy is effective October 7, 1998 with respect to all ongoing and future investigations.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-1780.

SUPPLEMENTARY INFORMATION:

Policy Bulletin 98/4: Timing of Issuance of Critical Circumstances Determinations

Statement of Issue

Whether Commerce should make a determination of critical circumstances before issuing a preliminary determination in an antidumping investigation.

Analysis

Where critical circumstances exist, U.S. law and the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Antidumping Agreement) provide for the imposition of antidumping measures retroactively for a period of 90 days prior to the preliminary determination of dumping. The purpose of this provision is to ensure that the statutory remedy is not undermined by massive imports following initiation of an investigation. Section 733(e) of the Tariff Act of 1930, as amended (the Act), permits the Department to make a preliminary critical circumstances determination at any time after initiation of an investigation. Changes in the

Antidumping Agreement also provide for critical circumstances decisions prior to a preliminary determination of dumping. Consequently, Commerce is revising its critical circumstances practice to more fully utilize the flexibility provided by the statute and the Antidumping Agreement so that dumping is remedied to the fullest extent provided under the law. Under this new practice, a preliminary determination regarding critical circumstances may be made prior to the preliminary determination of dumping, assuming adequate evidence of critical circumstances is available.

Section 733(e) of the Act directs Commerce to issue critical circumstances determinations "promptly (at any time after the initiation of the investigation under this subtitle)" as long as an allegation is made in the petition or at any time more than 20 days before the final determination. While there is no further guidance in the statute, the regulations provide that preliminary critical circumstances findings shall be made "not later than the preliminary determination," if the allegation is submitted at least 20 days before the preliminary determination, and "within 30 days after the petitioner submits the allegation," if the allegation is submitted later than 20 days before the preliminary determination. 19 CFR 351.206(c).

In order to make a preliminary finding of critical circumstances, section 733(e) of the Act requires that there be a reasonable basis to believe or suspect that:

1. There is a history of dumping causing material injury, or, that the importer knew or should have known of dumping and likely injury; and
2. There have been massive imports of the subject merchandise over a relatively short period.

The regulations define "massive imports" as an increase of 15 percent during the relatively short period. 19 CFR 351.206(h) The regulations define "relatively short period" as normally the three-month period after initiation of an investigation. 19 CFR § 351.206(i) Thus, Commerce has traditionally compared the three-month period immediately after initiation with the three-month period immediately preceding initiation to determine whether there has been at least a 15 percent increase in imports of the subject merchandise. Because of constraints on the availability of data, as a practical matter, it is virtually impossible to make a critical circumstances finding much before the

preliminary determination, as long as these two base periods are used. However, section 351.206(i) further provides that:

* * * if the Secretary finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, then the Secretary may consider a period of not less than three months from that earlier time.

Therefore, if the facts of a particular case show that importers, exporters or producers had reason to believe that a case was likely to be filed, the regulations make clear that earlier base periods can be used to measure massive imports. If earlier base periods are chosen, in accordance with this regulatory provision, and a comparison of these periods shows massive imports, the Secretary would still need to find that there has been a history of dumping and injury, or importer knowledge of dumping and likely injury, in order to make a critical circumstances finding. As with current practice, the Department would look at such factors as past U.S. dumping cases, cases in other countries, the International Trade Commission's (ITC) preliminary determination, information supplied in the petition, and other relevant information available at the time of the Department's critical circumstances determination. Because the ITC's preliminary determination of injury is normally important for this analysis, we anticipate that the earliest point at which a critical circumstances determination would be made is shortly after the ITC's preliminary injury determination, which normally occurs 45 days after the filing of the petition.

Statement of Policy

If the facts of a case show that importers, exporters, or producers had knowledge that a case was likely to be filed, and the other statutory and regulatory criteria for finding critical circumstances are met, Commerce should issue its preliminary finding on critical circumstances before the preliminary determination, and as soon as possible after initiation.

Implementation

This practice will be implemented in all ongoing and future cases where an allegation of critical circumstances is made and the facts of the case support an early critical circumstances finding, in accordance with the statutory and regulatory criteria.

Dated: October 8, 1998.

Robert S. LaRussa,

*Assistant Secretary for Import
Administration.*

[FR Doc. 98-27667 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Report of Right Whale Sighting; Proposed Collection; Comment Request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 14, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Greg Silber, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, Maryland 20910; (phone 301-713-2322 or fax 301-713-4060).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Marine Mammal Protection Act mandates the protection and conservation of marine mammals and makes the killing or serious injury of marine mammals a violation of the Act. The northern right whale (*Eubalaena glacialis*) has been recognized as the world's most endangered large whale species. Vessel interactions are identified as one of the major threats facing these whales especially collisions with and disturbances from, vessels. Human interactions with right whales are a very serious problem for right whales in the western North Atlantic. In particular, where human activities coincide with the distribution of right whales off the east coast of the United States, especially where vessel traffic

and similar activities occur, there is the potential that right whales may be disturbed or their behavior otherwise altered, or that they may be injured or killed. In addition to disturbances caused by vessel movement or noise, vessels may affect right whales indirectly. For example, feeding behavior may be interrupted or affected as a result of a vessel breaking up dense surface zooplankton patches in certain feeding areas. The National Marine Fisheries Service (NMFS) issued regulations that prohibit all approaches within 500 yards (460m), whether by vessel, aircraft or other means, and requires whale avoidance measures under specified circumstances. Similarly, NMFS has recognized that approaches to marine mammals by aircraft below certain altitudes has the potential to harass marine mammals and has imposed restrictions on these types of approaches as conditions in various permits. If a right whale is positively identified, lookouts and/or vessel operators are encouraged to report the right whale sighting and location to the U.S. Coast Guard or other appropriate port authority, and request assistance if appropriate. Knowledge of the location of right whales may help prevent collisions and allow vessels to implement appropriate whale avoidance measures.

II. Method of Collection

If a right whale is positively identified and observed near a port, in a channel, in an established shipping lane, or in other areas with a high concentration of shipping activity, a vessel operator is encouraged to report the sighting to the U.S. Coast Guard or other appropriate port authority, and request assistance, if appropriate. Instructions from the Coast Guard or other port authority may require a collection of information. For example, the Coast Guard may require a vessel operator to respond on channel 16 of VHF radio.

III. Data

OMB Number: 0648-0322.

Form Number: N/A.

Type of Review: Regular submission.

Affected Public: Business or other for-profit; individuals, not-for profit institutions; Federal government; and state, local, or tribal governments (vessel operators).

Estimated Number of Respondents: 30.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 8.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 8, 1998.

Linda Engelmeier,

*Departmental Forms Clearance Officer, Office
of the Chief Information Officer.*

[FR Doc. 98-27592 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Intent To Prepare a Supplemental Environmental Impact Statement and Notice of Scoping Meetings for the Proposed Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary

AGENCY: Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office of Ocean and Coastal Resource Management (OCRM), Sanctuaries and Reserves Division (SRD).

ACTION: Notice of intent; Notice of scoping meetings.

SUMMARY: SRD has initiated the process to establish an Ecological Reserve within the Florida Keys National Marine Sanctuary (FKNMS or Sanctuary) west of the Dry Tortugas National Park. The Sanctuary intends to prepare a Supplemental Environmental Impact Statement (SEIS) and hold scoping meetings to receive public input.

DATES AND ADDRESSES: Interested parties are invited to submit written comments by December 17, 1998, to assure full consideration during the scoping process. Written comments may be sent to Billy D. Causey, Superintendent,

Florid Key National Marine Sanctuary, Post Office Box 500368, Marathon, Florida 33050. Comments will be available for public review at the Florida Keys National Marine Sanctuary office at 5550 Overseas Highway in Marathon during normal business hours.

Scoping meetings are being held as follows:

October 27, 1998: 2–5 p.m.—

Washington D.C., Department of Commerce Main Auditorium, 14th Street and Constitution Avenue.

October 29: 3–8 p.m.—Ft. Myers Convention Center.

November 9: 3–8 p.m.—Key West Holiday Inn Beachside.

November 10: 3–8 p.m.—Marathon High School.

November 17: 3–8 p.m.—Miami, location to be determined and announced through local media outlets.

FOR FURTHER INFORMATION CONTACT:

Billy D. Causey at (305) 743–2437 ext. 26.

SUPPLEMENTARY INFORMATION: The Florida Keys National Marine Sanctuary was designated by an act of Congress entitled the Florida Keys National Marine Sanctuary and Protection Act (FKNMSPA, Pub. L. 101–605) which was signed into law on November 16, 1990. The Sanctuary was designated to protect the 2800 square nautical mile ecosystem surrounding the Florida Keys, including the third largest barrier reef system in the world. A Final Management Plan and Environmental Impact Statement for the Sanctuary was issued in 1996 and final regulations to implement the plan went into effect in July 1997.

The Final Management Plan and regulations established one Ecological Reserve (ER) in the Middle Keys (Western Sambo Ecological Reserve). An ER is defined as an area of the Sanctuary consisting of contiguous, diverse habitats, within which uses are subject to conditions, restrictions and prohibitions, including access restrictions, intended to minimize human influences, to provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the Sanctuary (15 CFR 922.162). Consumptive uses such as removing, taking or damaging coral, fish or seagrass are prohibited in an ER. During the development of the Draft

Management Plan, NOAA had proposed an additional ER in the Tortugas area within the Sanctuary but deferred the process to establish a boundary or regulations for the Tortugas ER until after implementation of the Final Management Plan. This process, estimated to take approximately two years and referred to as “Tortugas 2000,” will include coordination with the National Park Service, fishing representatives, scientists, and others. There will also be extensive opportunity for public input.

This notice announces NOAA’s intent to prepare a Supplemental Environmental Impact Statement and hold scoping meetings on the proposed project. Formal scoping meetings are scheduled as detailed above. The public is invited to attend the scoping meetings to provide oral or written comments. Interested persons may also submit written comments to the address above.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: October 8, 1998.

John Oliver,

*Policy, Management, and Information Officer
National Ocean Service.*

FR Doc. 98–27643 Filed 10–14–98; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 100698C]

Fisheries of the Exclusive Economic Zone Off Alaska; Public Scoping Meeting; Avoiding Interactions Between Steller Sea Lions and Pollock Fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands Region

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of scoping meetings.

SUMMARY: Under the Endangered Species Act, section 7 consultations are being conducted on the pollock fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands region and their potential effect(s) on the endangered western population of Steller sea lions and on their critical habitat. If the consultations result in a determination that the pollock fisheries jeopardize the survival and recovery of the western population or adversely modify their critical habitat, then reasonable and prudent alternatives will be required to

avoid these effects. NMFS announces two public scoping meetings to discuss the fisheries’ potential impact on Steller sea lions and on their critical habitat and possible mechanisms for implementing any necessary reasonable and prudent alternatives.

DATES: The meetings are scheduled as follows:

1. October 23, 1998, 9:00 a.m. to 5:00 p.m., Seattle, WA

2. October 26, 1998, 9:00 a.m. to 5:00 p.m., Anchorage, AK

ADDRESSES: The meetings will be held at the following locations:

1. Seattle—Alaska Fisheries Science Center, (Room 2039, Building 4), 7600 Sand Point Way, NE, Seattle, WA 98115

2. Anchorage—Anchorage Federal Building, (Room 154), 222 West 7th Avenue, Anchorage, AK 99513

To request special accommodations, contact Ursula Jorgenson, Protected Resources, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, 907–586–7235.

FOR FURTHER INFORMATION CONTACT: Tim Ragen, 907–586–7248.

SUPPLEMENTARY INFORMATION: Pollock fishing in the Gulf of Alaska and Bering Sea/Aleutian Islands region may affect the status and trends of the endangered western population of Steller sea lions or its critical habitat and may impede the recovery and conservation of this population. If NMFS determines that the pollock fisheries jeopardize the continued existence of this population or adversely modify its critical habitat, then reasonable and prudent alternatives will be required. NMFS has scheduled the scoping meetings specified to provide the public an opportunity to discuss possible interactions between the fisheries and sea lions and measures to avoid such interactions.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ursula Jorgenson at the NMFS Regional Office at least 5 days prior to the hearing date (see **ADDRESSES**).

Authority: 16 U.S.C. *et seq.*

Dated: October 7, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98–27587 Filed 10–8–98; 4:59 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 100598A]

Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Fall Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee to the U.S. Section of ICCAT will hold its annual fall meeting on November 1 through 3, 1998.

DATES: The open sessions will be held on November 1, 1998, from 1 p.m. - 6 p.m. and November 2, 1998, from 8 a.m. - 1:00 p.m. Closed sessions will be held on November 2 from 2:15 p.m. - 6 p.m. and on November 3 from 8 a.m. - 1 p.m. Written comments should be received no later than October 30, 1998.

ADDRESSES: The meeting will be held at the Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD. Written comments should be sent to Kim Blankenbeker, Executive Secretary to the Advisory Committee, NOAA-Fisheries/SF4, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Jonathon Krieger, (301) 713-2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in two open sessions to consider information being presented on stock status of highly migratory species and 1997 management recommendations of ICCAT's Standing Committee on Research and Statistics (SCRS). Also in the open sessions, the Advisory Committee will review and consider the results of the Committee's regional meetings, and implementation of 1997 and prior ICCAT recommendations and resolutions. Furthermore, the Committee will review highly migratory species research and management activities, including a consultation on the Draft Fishery Management Plan for Highly Migratory Species, an overview of the status of recommendations resulting from the Advisory Committee's 1998 Species Working Group Workshop, and the Comprehensive Research and Monitoring Plan for Highly Migratory Species. Both sessions will be open to the public; however, the November 1 session will be the only opportunity for public comment. Written comments are

encouraged and, if mailed, should be received by October 30, 1998, (See **ADDRESSES**). Written comments can also be submitted during the open sessions of the Advisory Committee meeting.

The Advisory Committee shall go into executive session for the afternoon session of November 2 and for the entire November 3 session to discuss sensitive information.

Special Accommodations

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jonathon Krieger at (301) 713-2276 at least 5 days prior to the meeting date.

Dated: October 8, 1998.

Bruce C. Morehead,

Deputy Office Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-27681 Filed 10-14-98; 8:45 am]
BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**Patent and Trademark Office****Supplemental Declaration for Reissue Patent Application (37 CFR 1.175) (Proposed Addition to 0651-0033, Post Allowance)**

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce (DOC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 14, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Robert J. Spar, Patent and Trademark Office, Crystal Park 1—Suite 520, 2011 Crystal Drive, Arlington, VA 22202, by telephone at (703) 308-5107 or by facsimile transmission to (703) 308-6916.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Patent and Trademark Office (PTO) has the authority, under 35 USC § 251, to reissue a patent to correct any errors in the original patent which occurred "without any deceptive intention" on the part of the patentee. To obtain a reissue patent, the patentee files a reissue application with the PTO. The PTO reviews the application, and if it meets the statutory and regulatory requirements for a reissue patent, the PTO will reissue the patent as long as the patentee surrenders the original patent. One of these requirements is that a reissue oath or declaration be included with the application. The PTO requires the patentee under 37 CFR 1.175 to include an explanation of why the errors being corrected by the reissue occurred without any deceptive intent. As a result of this requirement, if any additional changes are made during the reissue application examination process, the patentee has to submit a supplemental reissue oath or declaration stating that the additional errors also occurred without any deceptive intention. If the patentee does not submit a supplemental reissue oath or declaration, the examiner must reject the reissue application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 FR 53131, 53165-66 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 92 (October 21, 1997).

The PTO requires under 37 CFR 1.175 that the patentee submit a supplemental oath or declaration which asserts only that any error corrected during examination of the reissue application, which was not covered by the oath or declaration filed originally, arose without any deceptive intention on the part of the applicant. Under 37 CFR 1.175 as recently amended, the patentee no longer has to provide the details of how those errors occurred without any deceptive intention. Specifically, when changes are made during the reissue application examination process, the recently amended 37 CFR 1.175(b) requires only a supplemental oath or declaration by the applicant stating that, "every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s)/declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant".

The PTO believes that the requirement for the supplemental oath or declaration is necessary because 35 U.S.C. § 251 does not authorize the correction of any errors that occurred with deceptive intention. A supplemental oath or declaration would

prohibit patentees from trying to correct any errors that occurred with deceptive intent in a reissue patent application that was originally filed to correct, with an oath or declaration that covers only those errors which occurred without any deception. The PTO believes that the supplemental oath or declaration will prohibit the patentee from attempting to "piggyback" corrections of errors that occurred with deceptive intent in a reissue originally filed to correct an error that occurred without deceptive intent. Errors that occurred with deceptive intent cannot be corrected by a reissue patent.

Originally, the PTO did not provide a form for a supplemental oath or declaration because 37 CFR 1.175 required application-specific facts. Now that 37 CFR 1.175(b) has been revised to require only a general statement, the PTO has designed Form PTO/SB/51S, Supplemental Declaration for Reissue Patent Application (37 CFR 1.175). This

form does not replace Form PTO/SB/51, Reissue Application Declaration By The Inventor or Form PTO/SB/52, Reissue Application Declaration By The Assignee, which are used by the patentee or assignee in the originally filed reissue patent application. The additional form, PTO/SB/51S, is used to provide the required statement that "every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s)/declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant".

II. Method of Collection

By mail, facsimile, and hand-carry when the patentee wishes to file a reissue patent application.

III. Data

OMB Number: 0651-0033.

Form Number: PTO/SB/51S.

Type of Review: A proposed addition to a previously approved collection.

Affected Public: Individuals or households, businesses or other for-profit, not-for-profit institutions, farms, state, local or tribal governments, and the Federal Government.

Estimated Number of Respondents: 350 responses per year.

Estimated Time Per Response: It is estimated to take approximately 1.8 minutes to complete the supplemental declaration for a reissue patent application under 37 CFR 1.175.

Estimated Total Annual Respondent Burden Hours: 10.5 hours per year for the entire application.

Estimated Total Annual Respondent Cost Burden: \$1,837.50 per year for the new requirement. It is estimated that the addition of the supplemental declaration to this information collection will increase the total burden cost to \$6,129,912.50

Title of form	Form Nos.	Estimated time for response (mins.)	Estimated annual burden hours	Estimated annual responses
Supplemental Declaration For Reissue Patent Application (37 CFR 1.175)	PTO/SB/51S	1.8	10.5	350
Totals .....	.....	.....	10.5	350

Annual Burden Hours: 43,893 previous +10.5 additional = 43,903.50 total annual burden hours.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: October 8, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98-27593 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-16-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in Bulgaria

October 8, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 15, 1998.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for Categories 433 and 435 are being increased for swing, reducing the limit for Categories 410/624 to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 62564, published on November 24, 1997.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 8, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 19, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wool and man-made fiber textile products, produced or manufactured in Bulgaria and exported during the twelve-month period which began on January 1, 1998 and extends through December 31, 1998.

Effective on October 15, 1998, you are directed to adjust the current limits for the following categories, as provided for in the agreement between the Governments of the United States and Bulgaria:

Category	Adjusted twelve-month limit ¹
410/624	2,401,543 square meters of which not more than 836,774 square meters shall be in Category 410.
433	14,975 dozen.
435	26,047 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1997.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98-27713 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Export Visa Requirements for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

October 8, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of a new textile export license/commercial invoice printed on jade green guilloche patterned background paper.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The Governments of the United States and the People's Republic of China have agreed to amend the existing export visa requirements to provide for the use of a

new textile export license/commercial invoice, issued by the Government of the People's Republic of China, for shipments of goods produced or manufactured in China and exported from China on and after January 1, 1999. The new license/invoice shall be printed on jade green guilloche patterned background paper with the map of the People's Republic of China in the middle. The jade green form replaces the light purple export license/commercial invoice currently in use. The visa stamp is not being changed at this time.

Shipments of textile and apparel products which are produced or manufactured in China and exported from China during the period January 1, 1999 through January 31, 1999 may be accompanied by a visa printed on either the light purple background paper or the jade green background paper as described above. Both the light purple and the jade green forms have a map of the People's Republic of China in the middle.

See 62 FR 15465, published on April 1, 1997.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 8, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 27, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive establishes an export visa arrangement for certain cotton, wool, man-made fiber, silk blend, and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China.

Effective on January 1, 1999, for products exported from China on or after January 1, 1999, you are directed to amend the March 27, 1997 directive to provide for the use of export licenses/commercial invoices issued by the Government of the People's Republic of China which are printed on jade green guilloche patterned background paper with a map of the People's Republic of China in the middle. The jade green form will replace the light purple form currently being used.

To facilitate implementation of this amendment to the export licensing system, you are directed to permit entry of textile products, produced or manufactured in China and exported from China during the period January 1, 1999 through January 31, 1999, for which the Government of the People's Republic of China has issued an export license/commercial invoice printed on either the light purple background paper or the jade green background paper as described above. Both the light purple and the jade

green forms have a map of the People's Republic of China in the middle.

Products exported on and after February 1, 1999 must be accompanied by an export visa issued by the Government of the People's Republic of China only on the jade green license/invoice form.

The requirements for ELVIS (Electronic Visa Information System) remain unchanged.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98-27714 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Korea

October 8, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 15, 1998.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, special swing, carryover, carryforward and recrediting unused carryforward.

In accordance with the special swing provision contained in the exchange of notes dated April 2 and 8, 1997 between

the Governments of the United States and Korea, 157,000 square meters equivalent is being charged to the 1998 Group II limit.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67833, published on December 30, 1997.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 8, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC
20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 22, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Korea and exported during the period beginning January 1, 1998 and extending through December 31, 1998.

Effective on October 15, 1998, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit ¹
Group I	
200–223, 224–V ² , 224–O ³ , 225, 226, 227, 300– 326, 360–363, 369pt. ⁴ , 400– 414, 464, 469pt. ⁵ , 600– 629, 666, 669– P ⁶ , 669pt. ⁷ , and 670–O ⁸ , as a group.	408,535,685 square meters equivalent.
Sublevel within Group I	
200	525,669 kilograms.
201	2,159,623 kilograms.
611	4,187,410 square me- ters.
619/620	103,021,570 square meters.
624	9,006,760 square me- ters.
625/626/627/628/629	17,387,720 square meters.

Category	Adjusted limit ¹
Group II	
237, 239pt. ⁹ , 331– 348, 350–352, 359–H ¹⁰ , 359pt. ¹¹ , 431, 433–438, 440– 448, 459–W ¹² , 459pt. ¹³ , 631, 633–652, 659– H ¹⁴ , 659–S ¹⁵ and 659pt. ¹⁶ , as a group.	569,855,239 square meters equivalent.
Sublevels within Group II	
333/334/335	302,839 dozen of which not more than 154,785 dozen shall be in Category 335.
336	65,204 dozen.
341	224,756 dozen.
345	135,599 dozen.
351/651	258,076 dozen.
352	200,826 dozen.
433	15,258 dozen.
434	7,646 dozen.
436	16,107 dozen.
438	63,381 dozen.
442	54,935 dozen.
444	60,137 numbers.
445/446	57,244 dozen.
447	93,650 dozen.
448	39,533 dozen.
631	339,095 dozen pairs.
636	299,773 dozen.
638/639	5,501,175 dozen.
640–O ¹⁷	2,639,962 dozen.
641	1,099,987 dozen of which not more than 42,585 dozen shall be in Category 641– Y ¹⁸ .
647/648	1,328,742 dozen.
650	27,490 dozen.
659–H	1,434,249 kilograms.
659–S	202,169 kilograms.
Sublevel within Group III	
835	31,390 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1997.

² Category 224–V: only HTS numbers 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020.

³ Category 224–O: all remaining HTS numbers in Category 224.

⁴ Category 369pt.: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091, 6307.90.9905, (Category 369–L); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700.

⁵ Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

⁶ Category 669–P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

⁷ Category 669pt.: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040.

⁸ Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670–L).

⁹ Category 239pt.: only HTS number 6209.20.5040 (diapers).

¹⁰ Category 359–H: only HTS numbers 6505.90.1540 and 6505.90.2060.

¹¹ Category 359pt.: all HTS numbers except 6505.90.1540, 6505.20.2060 (Category 359–H); and 6406.99.1550.

¹² Category 459–W: only HTS number 6505.90.4090.

¹³ Category 459pt.: all HTS numbers except 6505.90.4090 (Category 459–W); 6405.20.6030, 6405.20.6060, 6405.20.6090, 6405.99.1505 and 6406.99.1560.

¹⁴ Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

¹⁵ Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

¹⁶ Category 659pt.: all HTS numbers except 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090 (Category 659–H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S); 6406.99.1510 and 6406.99.1540.

¹⁷ Category 640–O: all HTS numbers except 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030 (Category 640–D).

¹⁸ Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

In accordance with exchange of notes dated April 2 and April 8, 1997 between the Governments of the United States and Korea, for products exported in 1998, you are directed to charge 157,000 square meters equivalent to the Group II limit.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–27715 Filed 10–14–98; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Nepal

October 8, 1998.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA).

ACTION: Issuing a directive to the
Commissioner of Customs adjusting
limits.

EFFECTIVE DATE: October 15, 1998.

FOR FURTHER INFORMATION CONTACT:
Janet Heinzen, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 482-4212. For information on the
quota status of these limits, refer to the
Quota Status Reports posted on the
bulletin boards of each Customs port or
call (202) 927-5850. For information on
embargoes and quota re-openings, call
(202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural
Act of 1956, as amended (7 U.S.C. 1854);
Executive Order 11651 of March 3, 1972, as
amended.

The current limits for certain
categories are being adjusted, variously,
for swing and carryover.

A description of the textile and
apparel categories in terms of HTS
numbers is available in the
CORRELATION: Textile and Apparel
Categories with the Harmonized Tariff
Schedule of the United States (see
Federal Register notice 62 FR 66057,
published on December 17, 1997). Also
see 62 FR 60828, published on
November 13, 1997.

D. Michael Hutchinson,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

October 8, 1998.

Commissioner of Customs,
*Department of the Treasury, Washington, DC
20229.*

Dear Commissioner: This directive
amends, but does not cancel, the directive
issued to you on November 6, 1997, by the
Chairman, Committee for the Implementation
of Textile Agreements. That directive
concerns imports of certain cotton and man-
made fiber textile products, produced or
manufactured in Nepal and exported during
the twelve-month period which began on
January 1, 1998 and extends through
December 31, 1998.

Effective on October 15, 1998, you are
directed to adjust the current limits for the

following categories, as provided for under
the terms of the current bilateral textile
agreement between the Governments of the
United States and Nepal:

Category	Adjusted twelve-month limit ¹
340	426,232 dozen.
341	1,119,659 dozen.
347/348	891,488 dozen.
363	7,303,400 numbers.
369-S ²	982,620 kilograms.
641	327,584 dozen.

¹ The limits have not been adjusted to ac-
count for any imports exported after December
31, 1997.

² Category 369-S: only HTS number
6307.10.2005.

The Committee for the Implementation of
Textile Agreements has determined that
these actions fall within the foreign affairs
exception of the rulemaking provisions of 5
U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

[FR Doc. 98-27716 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Participation in the Special Access Program

October 8, 1998.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA).

ACTION: Issuing a directive to the
Commissioner of Customs suspending
participation in the Special Access
Program.

EFFECTIVE DATE: October 12, 1998.

FOR FURTHER INFORMATION CONTACT: Lori
E. Mennitt, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural
Act of 1956, as amended (7 U.S.C. 1854);
Executive Order 11651 of March 3, 1972, as
amended.

The Committee for the
Implementation of Textile Agreements
(CITA) has determined that Ezrasons,
Inc. has violated the requirements for
participation in the Special Access
Program, and has suspended Ezrasons,
Inc. from participation in the Program
for the period beginning October 12,
1998 and ending January 11, 1999.

Through the letter to the
Commissioner of Customs published

below, CITA directs the Commissioner
to prohibit entry of products under the
Special Access Program by or on behalf
of Ezrasons, Inc. during the period
October 12, 1998 through January 11,
1999, and to prohibit entry by or on
behalf of Ezrasons, Inc. under the
Program of products manufactured from
fabric exported from the United States
during that period.

Requirements for participation in the
Special Access Program are available in
Federal Register notice 63 FR 16474,
published on April 3, 1998.

D. Michael Hutchinson,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

October 8, 1998.

Commissioner of Customs,
*Department of the Treasury, Washington, DC
20229.*

Dear Commissioner: The purpose of this
directive is to notify you that the Committee
for the Implementation of Textile Agreements
has suspended Ezrasons, Inc. from
participation in the Special Access Program
for the period October 12, 1998 through
January 11, 1999. You are therefore directed
to prohibit entry of products under the
Special Access Program by or on behalf of
Ezrasons, Inc. during the period October 12,
1998 through January 11, 1999. You are
further directed to prohibit entry of products
under the Special Access Program by or on
behalf of Ezrasons, Inc. manufactured from
fabric exported from the United States during
the period October 12, 1998 through January
11, 1999.

Sincerely,

D. Michael Hutchinson,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

[FR Doc. 98-27712 Filed 10-14-98; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

List of Institutes of Higher Education Ineligible for Federal Funds

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: This document is published
to identify institutions of higher
education that are ineligible for
contracts and grants by reason of a
determination by the Secretary of
Defense that the institution prevents
military recruiter access to the campus
or students or maintains a policy against
ROTC. It also implements the
requirements set forth in the Omnibus
Consolidated Applications Act of 1997
and 32 CFR part 216.

Currently, no institution of higher education is ineligible for contracts of grants under the aforementioned law and policy.

ADDRESSES: Director for Accession Policy, Office of the Assistant Secretary of Defense for Force Management Policy, 4000 Defense Pentagon, Washington, DC 20301-4000.

FOR FURTHER INFORMATION CONTACT: William J. Carr, (703) 697-8444.

SUPPLEMENTARY INFORMATION: On April 8, 1997 (62 FR 16691), the Department of Defense published 32 CFR part 216 as an interim rule. This rule requires that the Department of Defense semi-annually publish a list of the institutions of higher education ineligible for Federal funds due to a policy or practice that either prohibits, or in effect prevents, the Secretary of Defense from obtaining, for military recruiting purposes, entry to campuses, access to students on campuses, access to directory information on students or that has an anti-ROTC policy.

Dated: October 8, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98-27648 Filed 10-14-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The Command & Control C-2 Advisory Panel Meeting in support of the HQ USAF Scientific Advisory Board will meet at Langley Air Force Base, VA on December 2-3, 1998 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to provide advice to the Aerospace Command & Control Agency.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697-8404.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98-27632 Filed 10-14-98; 8:45 am]

BILLING CODE 3910-01-P

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The S&T Special Programs Meeting in support of the HQ USAF Scientific Advisory Board will meet at Wright Patterson Air Force Base, OH on December 9-11, 1998 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to review the quality of the Air Force S and T Programs.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697-8404.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98-27633 Filed 10-14-98; 8:45 am]

BILLING CODE 3910-01-P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.
ACTION: Notice to amend system of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on November 16, 1998, unless comments are received which result in a contrary determination.

ADDRESSES: Privacy Act Officer, Records Management Program Division, U.S. Total Army Personnel Command, ATTN: TAPC-PDR-P, Stop C55, Ft. Belvoir, VA 22060-5576.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806-4390 or DSN 656-4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as

amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: October 9, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0600-20 NGB

SYSTEM NAME:

Equal Opportunity Investigative Files (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'National Guard Bureau, Directorate for Equal Opportunity, 4501 Ford Avenue, Suite 380, Alexandria, VA 22302-1454.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'National Guard applicants for technician employment, technicians, and military members who file complaints of discrimination or who are involved in such complaints.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C 3013; 32 U.S.C 32; DoD Directive 1350.2, DoD Military Equal Opportunity (MEO) Program; Army Regulation 600-20, Army Command Policy; and E.O. 9397 (SSN).'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph.

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Destroy after 4 years.'

* * * * *

A0600-20 NGB

SYSTEM NAME:

Equal Opportunity Investigative Files (February 22, 1993, 58 FR 10002).

SYSTEM LOCATION:

National Guard Bureau, Directorate for Equal Opportunity, 4501 Ford Avenue, Suite 380, Alexandria, VA 22302-1454.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National Guard applicants for technician employment, technicians, and military members who file complaints of discrimination or who are involved in such complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal complaints of discrimination; counselors' reports; notification letters to the complainant; affidavits from complainant and/or witnesses; investigative reports; hearings transcript; examiner's findings, recommendations; decisional documents; and similar relevant records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 3013; 32 U.S.C 32; DoD Directive 1350.2, DoD Military Equal Opportunity (MEO) Program; Army Regulation 600-20, Army Command Policy; and E.O. 9397 (SSN).

PURPOSE(S):

To investigate and resolve complaints of discrimination, provide facts to the Adjutant General of a State for issuing a proposed disposition to a complainant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

By name of complainant.

SAFEGUARDS:

Records are maintained in secured rooms/cabinets accessible only to designated officials who have a need in the performance of assigned duties.

RETENTION AND DISPOSAL:

Destroy after 4 years after final resolution of case.

SYSTEM MANAGER(S) AND ADDRESS:

National Guard Bureau, Directorate for Equal Opportunity, 4501 Ford

Avenue, Suite 380, Alexandria, VA 22302-1454.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the National Guard Bureau, Directorate for Equal Opportunity, 4501 Ford Avenue, Suite 380, Alexandria, VA 22302-1454.

For verification purposes, individual should provide the full name, current address and telephone number, sufficient details concerning the complaint to facilitate locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Office of National Guard Bureau, Directorate for Equal Opportunity, 4501 Ford Avenue, Suite 380, Alexandria, VA 22302-1454.

For verification purposes, individual should provide the full name, current address and telephone number, sufficient details concerning the complaint to facilitate locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, investigative reports, witness statements, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 98-27651 Filed 10-14-98; 8:45 am]

BILLING CODE 5000-04-F

DEPARTMENT OF DEFENSE**Defense Logistics Agency****Privacy Act of 1974; System of Records**

AGENCY: Defense Logistics Agency, DoD.
ACTION: Altering a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alteration adds a new category of individuals who are prohibited from receiving or possessing firearms under the Brady Handgun Violence Prevention Act

(Pub.L. 103-159). Specifically, these are individuals who have been convicted in any court of a misdemeanor crime of domestic violence.

DATES: The alteration will be effective without further notice on November 16, 1998, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address above.

The alteration adds a new category of individuals who are prohibited from receiving or possessing firearms under the Brady Handgun Violence Prevention Act (Pub.L. 103-159). Specifically, these are individuals who have been convicted in any court of a misdemeanor crime of domestic violence. The specific change to the record system being altered is set forth below followed by the notice, as altered, published in its entirety.

An altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 28, 1998, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 9, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.15 DMDC**SYSTEM NAME:**

Defense Incident-Based Reporting System (DIBRS) (August 20, 1997, 62 FR 44264).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add to the end of the entry 'or have been convicted in any court of a

misdeemeanor crime of domestic violence.'

* * * * *

S322.15 DMDC

SYSTEM NAME:

Defense Incident-Based Reporting System (DIBRS).

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943-5000.

Back-up files maintained in a bank vault in Hermann Hall, Naval Postgraduate School, Monterey, CA 93943-5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military (includes Coast Guard) or civilian personnel who have been apprehended or detained for criminal offenses which must be reported to the Department of Justice pursuant to the Uniform Crime Reporting Handbook as required by the Uniform Federal Crime Reporting Act.

Active duty military (includes Coast Guard) personnel accused of criminal offenses punishable under the Uniform Code of Military Justice.

Active duty military (includes Coast Guard) personnel convicted by civilian authorities of felony offenses as defined by State or local law; attempting or committing suicide; or whose dependent resides in the same household and is the victim of Sudden Infant Death Syndrome (SIDS).

Individuals who are victims of those offenses which are either reportable to the Department of Justice or are punishable under the Uniform Code of Military Justice.

Active duty military (includes Coast Guard) personnel who must be reported to the Department of Justice under the Brady Handgun Violence Prevention Act because such personnel have been referred to trial by a general courts-martial for an offense punishable by imprisonment for a term exceeding one year; have left the State with the intent of avoiding either pending charges or giving testimony in criminal proceedings; are either current users of a controlled substance which has not been prescribed by a licensed physician (Note: includes both current and former members who recently have been convicted by a courts-martial, given nonjudicial punishment, or administratively separated based on drug use or failing a drug rehabilitation program) or using a controlled substance and losing the power of self-control with respect to that substance; are adjudicated by lawful authority to be

a danger to themselves or others or to lack the mental capacity to contract or manage their own affairs or are formally committed by lawful authority to a mental hospital or like facility (Note: includes those members found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice); have been discharged from the Armed Services pursuant to either a dishonorable discharge or a dismissal adjudged by a general courts-martial; or have been convicted in any court of a misdemeanor crime of domestic violence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records compiled by law enforcement authorities (e.g., Defense Protective Service, military and civilian police, military criminal investigation services or commands); DoD organizations and military commands; Legal and judicial authority (e.g., Staff Judge Advocates, courts-martial); and Correctional institutions and facilities (e.g., the United States Disciplinary Barracks) consisting of personal data on individuals, to include but not limited to, name; social security number; date of birth; place of birth; race; ethnicity; sex; identifying marks (tattoos, scars, etc.); height; weight; nature and details of the incident/offense to include whether alcohol, drugs and/or weapons were involved; driver's license information; actions taken by military commanders (e.g., administrative and/or non-judicial measures, to include sanctions imposed); court-martial results and punishments imposed; confinement information, to include location of correctional facility, gang/cult affiliation if applicable; and release/parole/clemency eligibility dates.

Records also consist of personal information on individuals who were victims. Such information does not include the name of the victim or other personal identifiers (e.g., Social Security Number, date of birth, etc.), but does include the individual's residential zip code; age; sex; race; ethnicity; and type of injury.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 18 U.S.C. 922 note, Brady Handgun Violence Prevention Act; 28 U.S.C. 534 note, Uniform Federal Crime Reporting Act; 42 U.S.C. 10601 et seq., Victims Rights and Restitution Act; DoD Directive 7730.47, Defense Incident-Based Reporting System (DIBRS); and E.O. 9397 (SSN).

PURPOSE(S):

To provide a single central facility within the Department of Defense (DoD) which can serve as a repository of criminal and specified other non-criminal incidents which will be used to satisfy statutory and regulatory reporting requirements, specifically to provide crime statistics required by the Department of Justice (DoJ) under the Uniform Federal Crime Reporting Act; to provide personal information required by the DoJ under the Brady Handgun Violence Prevention Act; and statistical information required by DoD under the Victim's Rights and Restitution Act; and to enhance DoD's capability to analyze trends and to respond to executive, legislative, and oversight requests for statistical crime data relating to criminal and other high-interest incidents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may be disclosed outside the Department of Defense as a routine use pursuant to 5 U.S.C. 552a(b)(3) only as follows:

To the Department of Justice:

(1) To compile crime statistics so that such information can be both disseminated to the general public and used to develop statistical data for use by law enforcement agencies.

(2) To compile information on those individuals for whom receipt or possession of a firearm would violate the law so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are disqualified from receiving or possessing a firearm.

The 'Blanket Routine Uses' set forth at the beginning of the DLA compilation of record system notices *do not* apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, incident number, or any other data element contained in system.

SAFEGUARDS:

W.R. Church Computer Center: Tapes are stored in a locked cage in a

controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

Back-up location: Tapes are stored in a bank-type vault; buildings are locked after hours and only properly cleared and authorized personnel have access.

RETENTION AND DISPOSAL:

Disposition pending (until NARA disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, date of birth and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

The military services (includes the U.S. Coast Guard) and Defense agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 98-27652 Filed 10-14-98; 8:45 am]

BILLING CODE 5000-04-F

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Proposed Information Collection; Commander, Navy Recruiting Command

AGENCY: Department of the Navy, DOD.

ACTION: Notice of proposed information collection.

SUMMARY: The Navy Recruiting Command announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 14, 1998.

ADDRESSES: Send written comments and recommendations on the proposed information collection to Commander, Navy Recruiting Command (Code 10D), 801 N. Randolph Street, Arlington, VA 22203-1991.

FOR FURTHER INFORMATION CONTACT: To request additional information or to obtain a copy of the proposal and associated collection instruments, contact Mrs. Lambert at (703) 696-4185.

SUPPLEMENTARY INFORMATION:

Form Title and OMB Number: Analysis of Recruitment Incentives; none.

Needs and Uses: This collection of information will be a survey administered to potential recruits and used by the Navy Recruiting Command to compare different recruiting incentives in order to allocate increases in funding for enlistment bonuses and college incentives.

Affected Public: Individuals or households.

Annual Burden Hours: 2,500.

Number of Respondents: 5,000.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

(Authority: 44 U.S.C. Sec. 3506(c)(2)(A))

Dated: October 2, 1998.

Ralph W. Corey,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 98-27631 Filed 10-14-98; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 16, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address Werfel_d@al.eop.gov. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651, or should be electronically mailed to the internet address Pat_Sherrill@ed.gov, or should be faxed to 202-708-9346.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader,

Information Management Group, Office of the Chief Financial and Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: October 8, 1998.

Kent H. Hannaman,

*Leader, Information Management Group,
Office of the Chief Financial and Chief
Information Officer.*

Office of Educational Research and Improvement

Type of Review: Reinstatement.

Title: Star Schools Program.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 75.

Burden Hours: 3,000.

Abstract: This application will be used by eligible telecommunications partnerships composed of local school agencies, state education agencies, institutions of higher education, television stations, and other telecommunications agencies including radio and TV stations. The Department will use the information to make grant awards.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (OMB Control No. 1890-0001). Therefore, this 30-day public comment period notice will be the only public comment notice published for this information collection.

Office of Elementary and Secondary Education

Type of Review: Revision.

Title: Safe and Drug-Free School Recognition Program.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 130.

Burden Hours: 2,760.

Abstract: The Safe and Drug-Free School Recognition Program was established to recognize public and private schools that have demonstrated exemplary practices in creating safe and orderly learning environments. The newly redesigned program will focus on: (1) Research-based principles; (2) collaboration with partners and/or co-sponsors at the federal, state, and local levels (both public and private); and (3) effective diffusion of knowledge about what works to prevent drug use and violence among youth.

[FR Doc. 98-27630 Filed 10-14-98; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 16, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address Werfel—d@al.eop.gov. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651, or should be electronically mailed to the internet address Pat_Sherrill@ed.gov, or should be faxed to 202-708-9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information

collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: October 9, 1998.

Kent H. Hannaman,

*Leader, Information Management Group,
Office of the Chief Financial and Chief
Information Officer.*

Office of Educational Research and Improvement

Type of Review: Revision.

Title: Technology Innovation Challenge Grant Program: General Competition.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 500.

Burden Hours: 20,000.

Abstract: The FY 1999 Technology Innovation Challenge Grant competition will be a general competition with a competitive priority from the statute for professional development.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (OMB Control No. 1890-0001). Therefore, this 30-day public comment period notice will be the only public comment notice published for this information collection.

[FR Doc. 98-27685 Filed 10-14-98; 8:45 am]

BILLING CODE 4000-01-P

OFFICE OF ENERGY RESEARCH**High Energy Physics Advisory Panel****AGENCY:** Department of Energy.**ACTION:** Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is given of a meeting of the High Energy Physics Advisory Panel.

DATES: Thursday, December 3, 1998; 9:00 a.m. to 6:00 p.m.; and Friday, December 4, 1998; 8:30 a.m. to 4:00 p.m.

ADDRESSES: Holiday Inn, 2 Montgomery Village Avenue, Gaithersburg, Maryland 20879.

FURTHER INFORMATION CONTACT: John Metzler; Executive Secretary; High Energy Physics Advisory Panel; U.S. Department of Energy; ER-22, GTN; Germantown, Maryland 20874; Telephone: (301) 903-2979.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

Thursday, December 3, 1998 and Friday, December 4, 1998

Discussion of Department of Energy High Energy Physics Programs
 Discussion of National Science Foundation Elementary Particle Physics Program
 Discussion of HEP University Programs
 Reports on and Discussion of the Use of Networks and Computing in High Energy Physics
 Reports on and Discussion of U.S. LHC Activities
 Reports on and Discussions of Topics of General Interest in High Energy Physics
 Public Comment (10 minute rule)

Public Participation: The two-day meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 9:00

a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on October 9, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98-27718 Filed 10-14-98; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-71-000]

Caprock Pipeline Company; Notice of Tariff Filing

October 8, 1998.

Take notice that on October 5, 1998, Caprock Pipeline Company (Caprock) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be effective November 2, 1998:

Second Revised Sheet No. 6
 Fifth Revised Sheet No. 29A
 Third Revised Sheet No. 37
 First Revised Sheet No. 37A
 Second Revised Sheet No. 38
 First Revised Sheet No. 38A
 First Revised Sheet No. 39

Caprock states that these tariff sheets are being filed in compliance with the Commission's Order No. 587-H, Final Rule, issued July 15, 1998, in Docket No. RM96-1-008.

Caprock respectfully requests waiver of the 30 day notice requirement and acceptance of the tariff sheet(s) to be effective November 2, 1998. The reason for the waiver request is due to problems encountered with the delivery service hired to deliver the filing documents to our Washington, DC offices. The packages were lost and not delivered to our offices until October 5, 1998. Caprock requests that the Commission grant any other waivers of its regulations that the Commission may deem necessary to accept Caprock's tariff sheet(s) to be effective November 2, 1998, without hearing.

Caprock states that copies of the filing were served upon Caprock's jurisdictional customers, interested public bodies and all parties to the proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions

or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27616 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-77-000]

Kentucky West Virginia Gas Company, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

October 8, 1998.

Take notice that on October 6, 1998, Kentucky West Virginia Gas Company, L.L.C. (Kentucky West) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets to become effective November 2, 1998:

Third Revised Sheet No. 119
 Third Revised Sheet No. 120
 Second Revised Sheet No. 120A
 Second Revised Sheet No. 120B
 Second Revised Sheet No. 121
 Second Revised Sheet No. 122
 Second Revised Sheet No. 123
 Second Revised Sheet No. 124
 Original Sheet No. 124A
 First Revised Sheet No. 174

Kentucky West states that the purpose of this filing is to comply with the Commission's Order No. 587-H issued on July 15, 1998, the Docket No. RM96-1-008 adopting new and revised standards promulgated by the Gas Industry Standards Board (GISB). These standards require interstate natural gas pipelines to follow certain new and revised business practice procedures for intra-day nominations. The Commission directed pipelines to make a filing to implement the standards relating to intra-day nominations to be effective by November 2, 1998. Kentucky West states that it is making this filing in compliance with the Commission's Order.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission,

888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27622 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-74-000]

K N Interstate Gas Transmission Co.; Notice of Tariff Filing

October 8, 1998.

Take notice that on October 5, 1998, K N Interstate Gas Transmission Co. (KNI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1-A, the following tariff sheets to be effective November 2, 1998:

First Revised Sheet No. 11
First Revised Sheet No. 12
Second Revised Sheet No. 20
Second Revised Sheet No. 21
First Revised Sheet No. 22
First Revised Sheet No. 22A
Original Sheet No. 22B
First Revised Sheet No. 23
Second Revised Sheet No. 47
Second Revised Sheet No. 48
Second Revised Sheet No. 49
First Revised Sheet No. 49A
First Revised Sheet No. 49B
First Revised Sheet No. 50
First Revised Sheet No. 98
Second Revised Sheet No. 104
Second Revised Sheet No. 105
Second Revised Sheet No. 106
First Revised Sheet No. 106A
First Revised Sheet No. 106B
First Revised Sheet No. 107
Second Revised Sheet No. 126
Second Revised Sheet No. 127
Second Revised Sheet No. 128
Second Revised Sheet No. 129
First Revised Sheet No. 129A
Second Revised Sheet No. 130
First Revised Sheet No. 130A
Third Revised Volume No. 1-B
Third Revised Sheet No. 6
Second Revised Sheet No. 43
Fourth Revised Sheet No. 89A

First Revised Volume No. 1-D
Second Revised Sheet No. 6
First Revised Sheet No. 36
Fourth Revised Sheet No. 71A
First Revised Volume No. 1-C
First Revised Sheet No. 9
First Revised Sheet No. 16A
Second Revised Sheet No. 17
First Revised Sheet No. 17A
First Revised Sheet No. 17B
Original Revised Sheet No. 17C
First Revised Sheet No. 18
First Revised Sheet No. 42
Second Revised Sheet No. 43
First Revised Sheet No. 43A
First Revised Sheet No. 43B
Original Sheet No. 43C
Original Sheet No. 43D

KNI states that these tariff sheets are being filed in compliance with the Commission's Order No. 587-H, Final Rule, issued July 15, 1998, in Docket No. RM96-1-008.

KNI respectfully requests waiver of the 30 day notice requirement and acceptance of the tariff sheet(s) to be effective November 2, 1998. The reason for the waiver request is due to problems encountered with the delivery service hired to deliver the filing documents to our Washington, DC offices. The packages were lost and not delivered to our offices until October 5, 1998. KNI requests that the Commission grant any other waivers of its regulations that the Commission may deem necessary to accept KNI's tariff sheet(s) to be effective November 2, 1998, without hearing.

KNI states that copies of the filing were served upon KNI's jurisdictional customers, interested public bodies and all parties to the proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27619 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-73-000]

K N Wattenberg Transmission, L.L.C.; Notice of Tariff Filing

October 8, 1998.

Taken notice that on October 5, 1998, K N Wattenberg Transmission L.L.C. (KNW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be effective November 2, 1998:

First Revised Sheet No. 11
First Revised Sheet No. 19
First Revised Sheet No. 20
Original Sheet No. 20A
Original Sheet No. 20B
First Revised Sheet No. 21
First Revised Sheet No. 22
First Revised Sheet No. 33
First Revised Sheet No. 34
Original Sheet No. 34A
Original Sheet No. 34B
First Revised Sheet No. 35
First Revised Sheet No. 42
Second Revised Sheet No. 67
First Revised Sheet No. 85

KNW states that these tariff sheets are being filed in compliance with the Federal Energy Regulatory Commission's (Commission) Order No. 587-H, Final Rule, issued July 15, 1998, in Docket No. RM96-1-008.

KNW respectfully requests waiver of the 30 day notice requirement and acceptance of the tariff sheet(s) to be effective November 2, 1998. The reason for the waiver request is due to problems encountered with the delivery service hired to deliver the filing document to our Washington D.C. offices. The packages were lost and not delivered to our offices until October 5, 1998. KNW requests that the Commission grant any other waivers of its regulations that the Commission may deem necessary to accept KNW's tariff sheet(s) to be effective November 2, 1998, without hearing.

KNW states that copies of the filing were served upon KNW's jurisdictional customers, interested public bodies and all parties to the proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27618 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-70-000]

Michigan Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

October 8, 1998.

Take notice that on October 5, 1998, Michigan Gas Storage Company (MGSCo) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, proposed changes to two tariff sheets (Sheet Nos. 41A and 51A).

MGSCo also requested waiver of the normal notice requirements to allow a November 1, 1998 effective date for the tariff sheets. The proposed changes are being filed pursuant to Order No. 587-H, regarding Gas Industry Standards Board (GISB) standards.

MGSCo states that copies of this filing are being served on all customers and applicable state regulatory agencies and on all those of the official service lists in Docket Nos. RP97-152-000 and RP 98-288-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27615 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-75-000]

MIGC, Inc.; Notice of Tariff Filing

October 8, 1998.

Take notice that on October 5, 1998, MIGC, Inc. (MIGC), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Second Revised Sheet No. 52A, Fifth Revised Sheet No. 56, Original Sheet No. 56A, Original Sheet No. 56B, Fourth Revised Sheet No. 57, First Revised Sheet No. 57A, Original Sheet No. 57B, Third Revised Sheet No. 58, and Third Revised Sheet No. 59 with a proposed effective date of November 2, 1997.

MIGC states that the purpose of the filing is to comply with Order No. 587-H issued in Docket No. RM96-1-008.

MIGC states that copies of its filing are being mailed to its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27620 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-423-001]

Mississippi River Transmission Corporation; Notice of Tariff Filing

October 8, 1998.

Take notice that on October 5, 1998, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its Gas Tariff, Third Revised Volume No. 1, the following tariff sheet, with an effective date of November 1, 1998:

Substitute Thirty First Revised Sheet No. 6.

MRT states that due to typographical error on proposed Thirty First Revised Sheet No. 6 tariff sheet in Docket No. RP98-423, (MRT's filing to remove GSRC surcharges), it is making this filing is to correct and supplement the September 30, 1998 filing.

MRT states that a copy of this filing is being mailed to each of MRT's customers and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 of the Commission's Rule and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27614 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-78-000]

Nora Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

October 8, 1998.

Take notice that on October 6, 1998, Nora Transmission Company, (Nora) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1,

the following revised tariff sheets to become effective November 2, 1998:

Third Revised Sheet No. 119
Third Revised Sheet No. 120
Second Revised Sheet No. 120A
Second Revised Sheet No. 120B
Second Revised Sheet No. 121
Second Revised Sheet No. 122
Second Revised Sheet No. 123
Second Revised Sheet No. 124
Original Sheet No. 124A
Third Revised Sheet No. 173

Nora states that the purpose of this filing is to comply with the Commission's Order No. 587-H issued on July 15, 1998, the Docket No. RM96-1-008 adopting new and revised standards promulgated by the Gas Industry Standards Board (GISB). These standards require interstate natural gas pipelines to follow certain new and revised business practice procedures for intra-day nominations. The Commission directed pipelines to make a filing to implement the standards relating to intra-day nominations to be effective by November 2, 1998. Nora is making this filing in compliance with the Commission's Order.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27623 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-2-000]

NorAm Gas Transmission Company; Notice of Request Under Blanket Authorization

October 8, 1998.

Take notice that on October 1, 1998, NorAm Gas Transmission Company

(NGT), 1111 Louisiana, Houston, Texas 77002-5231, filed in Docket No. CP99-2-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate certain facilities in Arkansas under NGT's blanket certificate issued in Docket No. CP82-384-000 and CP82-384-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

NGT specifically proposes to construct and operate a 2-inch delivery tap and first-cut regulator to serve ARKLA, a division of NorAm Energy Corp. (ARKLA). The tap will be installed on NGT's Line K-north in Section 1, Township 14 South, Range 17 West, Ouachita County, Arkansas. The estimated volumes to be delivered to this tap are approximately 91,000 MMBtu annually and 720 MMBtu on a peak day. The tap and first-cut regulator are to be constructed at an estimated cost of \$7,753 and ARKLA will reimburse NGT the construction costs. ARKLA will, at its cost, construct a 2-inch U-shape meter station and convey ownership to NGT. NGT will own and operate the tap and meter station.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 20 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Waston, Jr.,

Acting Secretary.

[FR Doc. 98-27611 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-780-000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

October 8, 1998.

Take notice that on September 14, 1998, as supplemented October 6, 1998, Northern Natural Gas Company (Northern Natural), P.O. Box 3330, Omaha, Nebraska 68103-0330, filed a prior notice request with the Commission in Docket No. CP98-780-000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to operate an existing delivery point, initially constructed under Section 311 (a) of the Natural Gas Policy Act of 1978, as a jurisdictional facility to provide transportation service to Bunge Corp. (Bunge) in Mills County, Iowa, under Northern Natural's blanket certificate issued in Docket No. CP82-401-000 pursuant to Section 7 of the NGA, all as more fully set forth in the request that is open to the public for inspection.

Northern Natural proposes to operate and maintain an existing delivery point to serve Bunge's plant near Council Bluffs, Mills County, Iowa. Northern Natural States that the Bunge Town Border Station (TBS) consists of approximately 1,800 feet of 6-inch diameter pipe and appurtenant facilities that Northern Natural would provide service to Bunge under Part 284 of the Commission's Regulations. Northern Natural would deliver up to 7,000 MMBtu of natural gas per day and up to 2,190,000 MMBtu annually to Bunge at the Bunge TBS. Northern Border states that its deliveries to Bunge are within its certificated entitlements. Northern Border also states that it originally paid the \$384,000 construction cost for the Bunge TBS, but that the cost would be offset by the demand reservation fees to be paid by Bunge over time.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed

and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27607 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99-14-000]

Select Energy, Inc.; Notice of Filing

October 8, 1998.

Take notice that on October 1, 1998, Select Energy, Inc., (Select), a power marketing subsidiary of Northeast Utilities tendered for filing a proposed rate schedule that would permit it to make sales of energy and/or capacity at market-based rates.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before October 21, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27606 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-72-000]

T C P Gathering Co.; Notice of Tariff Filing

October 8, 1998.

Take notice that on October 5, 1998, T C P Gathering Co. (TCP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets to be effective November 2, 1998:

Third Revised Sheet No. 18
Second Revised Sheet No. 18
First Revised Sheet No. 18B
Original Revised Sheet No. 18C
Original Revised Sheet No. 18D
Second Revised Sheet No. 19
Third Revised Sheet No. 46
Original Revised Sheet No. 46A
Third Revised Sheet No. 47
Second Revised Sheet No. 47A
Original Revised Sheet No. 47B
First Revised Sheet No. 48
Second Revised Sheet No. 60
Third Revised Sheet No. 103A

TCP states that these tariff sheets are being filed in compliance with the Commission's Order No. 587-H, Final Rule, issued July 15, 1998, in Docket No. RM96-1-008.

TCP respectfully requests waiver of the 30 day notice requirement and acceptance of the tariff sheet(s) to be effective November 2, 1998. The reason for the waiver request is due to problems encountered with the delivery service hired to deliver the filing documents to our Washington D.C. offices. The packages were lost and not delivered to our offices until October 5, 1998. TCP requests that the Commission grant any other waivers of its regulations that the Commission may deem necessary to accept TCP's tariff sheet(s) to be effective November 2, 1998, without hearing.

TCP states that copies of the filing were served upon TCP's jurisdictional customers, interested public bodies and all parties to the proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27617 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-803-001]

Transcontinental Gas Pipe Line Corporation; Notice of Amendment

October 8, 1998.

Take notice that on October 5, 1998, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, pursuant to and in accordance with Sections 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, filed an amendment to its pending application for abandonment of service, filed on September 25, 1998, in Docket No. CP98-803-000, to request an order permitting and approving the abandonment of service provided to PG Energy, Inc. (PGE) and Philadelphia Gas Works (PGW), as well as permitting and approving increased service to NUI Corporation (NUI) under Transco's Rate Schedule LG-A, all as more fully set forth in the application on file with the Commission and open to public inspection.

Transco states that the purpose of this amendment is (1) to provide to the Commission the Rate Schedule LG-A Service Agreement executed by NUI and Transco on September 30, 1998, to use a portion of the capacity being terminated by PGE, and (2) to request Commission authorization pursuant to Section 7(c) of the Commission's regulations to provide increased service under Rate Schedule LG-A to NUI.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1998, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of

Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public conveyance and necessity. If a petition for leave is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27609 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-1-000]

Tuscarora Gas Transmission Company; Notice of Request Under Blanket Authorization

October 8, 1998.

Take notice that on October 1, 1998, Tuscarora Gas Company, (Tuscarora), 1575 Delucchi Lane, Suite 225, Post Office Box 3057, Reno, Nevada 89520-3057, filed pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to acquire existing pipeline facilities currently being used for the transportation of natural gas, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Specifically, Tuscarora requests authorization for the acquisition of approximately 26 miles of 6-inch pipeline and appurtenant facilities currently owned by U.S. Gypsum and used for the transportation of natural gas to its Empire Plant in Washoe County, Nevada. The purchase price for these facilities is listed at \$1,600,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a

protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27610 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-76-000]

Viking Gas Transmission Company; Notice of Tariff Filing

October 8, 1998.

Take notice that on October 5, 1998, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, with a proposed effective date of November 2, 1998.

Viking states that the purpose of this filing is to comply with the Commission's requirements set forth in Order No. 587-H, Standards for Business Practices of Interstate Natural Gas Pipelines, Docket No. RM96-1-008 issued on July 15, 1998. Under Order No. 587-H, the Commission adopted Gas Industry Standards Board (GISB) standards 1.17-1.19, 1.2.8-1.2.12, 1.3.39-1.3.44; modified GISB standards 1.3.2, 1.3.20, 1.3.22, 1.3.32; and deleted GISB standards 1.2.7, 1.3.10, and 1.3.12.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27621 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-76-003]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

October 8, 1998.

Take notice that on October 5, 1998, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective October 1, 1998:

Revised Sheet Nos. 732-735

Revised Sheet Nos. 744-749

Williston Basin states that it is resubmitting these revised tariff sheets in compliance with the October 2, 1998 Letter Order issued by the Office of Pipeline Regulation, in Docket No. RP98-76-002.

Williston Basin was informed that its September 30, 1998 filing contained duplicatively numbered tariff sheet numbers. Williston Basin was advised to resubmit such sheets, both in hard copy and electronically, within one work day.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27613 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER98-4512-000, et al.;]

Consolidated Water Power Company, et al.**Electric Rate and Corporate Regulation Filings**

October 6, 1998.

Take notice that the following filings have been made with the Commission:

1. Consolidated Water Power Company

[Docket No. ER98-4512-000]

Take notice that on October 1, 1998, Consolidated Water Power Company (CWPCo), 231 First Avenue, North, Wisconsin Rapids, Wisconsin 54495-8050, tendered for filing with the Commission a supplement to its application for authority to sell electricity for resale at market-based rates.

A copy of this filing has been provided to the Public Service Commission of Wisconsin.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. USGen New England, Inc.

[Docket Nos. EC98-66-000 and ER98-4705-000]

Take notice that on September 30, 1998, USGen New England, Inc. tendered for filing an application for approval pursuant to Section 203 of the Federal Power Act for a sale leaseback of jurisdictional facilities associated with the Bear Swamp hydroelectric generating plant located on Deerfield River in the towns of Rowe and Florida, Massachusetts.

Comment date: November 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. California Independent System Operator Corporation

[Docket Nos. ER98-1499-000; ER98-2113-002]

Take notice that on September 30, 1998, the California Independent System Operator Corporation (ISO), tendered for filing the executed Amendment No. 1, to the Meter Service Agreement for ISO Metered Entities between the Salt River Agricultural Improvement and Power District and the ISO for acceptance by the Commission. The ISO states that this filing revises the Meter Service Agreement for ISO Metered Entities, as directed by the Commission, to comply with the Commission's order issued

December 17, 1997 in *Pacific Gas and Electric Co.*, 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced dockets.

Comment date: October 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Electric Power Company

[Docket No. ER98-4659-000]

Take notice that on October 1, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an amendment to the unexecuted electric service agreements filed in Docket No. ER98-4659.

Wisconsin Electric again respectfully requests an effective date of August 29, 1998, for the revised agreements to allow for economic transactions.

Copies of the filing have been served on the customer, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. The Washington Water Power Company

[Docket No. ER99-1-000]

Take notice that on October 1, 1998, the Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 an executed Interconnection and Operating Agreement between WWP and Clearwater Power Company.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. The Washington Water Power

[Docket No. ER99-2-000]

Take notice that on October 1, 1998, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission an executed Firm Point-to-Point Service Agreement under WWP's Open Access Transmission Tariff, second revised Volume No. 8.

WWP requests an effective date of October 1, 1998.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Washington Water Power Company

[Docket No. ER99-3-000]

Take notice that on October 1, 1998, Washington Water Power, (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR Section 35.13,

executed Mutual Netting Agreements for allowing arrangements of amounts which become due and owing to one Party to be set off against amounts which are due and owing to the other Party with Salt River Project Agricultural Improvement and Power District, The Montana Power Trading & Marketing Company, and Hafslund Energy Trading, L.L.C.

WWP requests waiver of the prior notice requirement and requests an effective date of September 1, 1998.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Arizona Public Service Company

[Docket No. ER99-4-000]

Take notice that on October 1, 1998, Arizona Public Service Company (APS), tendered for filing Umbrella Service Agreements to provide Firm and Non-Firm Point-to-Point Transmission Service to B.C. Hydro Power Exchange (Powerex), under APS' Open Access Transmission Tariff.

A copy of this filing has been served on Powerex and the Arizona Corporation Commission.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Virginia Electric and Power Company

[Docket No. ER99-5-000]

Take notice that on October 1, 1998, Virginia Electric and Power Company (Virginia Power or the Company), tendered for filing notice of cancellation effective November 16, 1998, of the service agreement with Vastar Power Marketing, Inc., designated Service Agreement No. 63, under FERC Electric Tariff Original Volume No. 4 filed with the Federal Energy Regulatory Commission (Commission).

The Company requests that the Commission permit the termination of the Service Agreement to become effective November 16, 1998.

Copies of the filing were served upon Vastar Power Marketing, Inc., Southern Company Energy Marketing L.P., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Company of New Mexico

[Docket No. ER99-6-000]

Take notice that on October 1, 1998, Public Service Company of New Mexico (PNM), tendered for filing an executed

service agreement for electric power and energy sales at negotiated rates under the terms of PNM's Power and Energy Sales Tariff, with Oklahoma Gas & Electric Energy Resources, Inc. (OGE Energy Resources, Inc.), dated September 3, 1998.

PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to OGE Energy Resources, Inc., and to the New Mexico Public Utility Commission.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Sierra Pacific Power Company

[Docket No. ER99-7-000]

Take notice that on October 1, 1998, Sierra Pacific Power Company (Sierra), filed a revision to the General Transfer Agreement (GTA) between Sierra and Bonneville Power Administration (ABPA).

Sierra states that the revision would decrease the total monthly facilities charge from \$134,556 to \$133,922 to reflect a change in the percentage of initial capital investment used to calculate the Estimated O&M Charge.

Sierra requests that the increased charge be made effective on October 31, 1998.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California, the Nevada Bureau of Consumer Protection and Bonneville Power Administration.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Delmarva Power & Light Company

[Docket No. ER99-8-000]

Take notice that on October 1, 1998, Delmarva Power & Light Company (Delmarva), tendered for filing an executed umbrella service agreement with Merchant Energy Group of the Americas, Inc., under Delmarva's market rate sales tariff.

Delmarva requests an effective date of October 1, 1998.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Idaho Power Company

[Docket No. ER99-9-000]

Take notice that on October 1, 1998, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission a Service Agreement for Non-Firm Point-to-Point Transmission Service between Idaho Power Company and El Paso Energy

Marketing Company under Idaho Power Company FERC Electric Tariff No. 5, Open Access Transmission Tariff.

Idaho Power requests the Commission accept this Service Agreement for filing, designate an effective date of September 14, 1998 and a rate schedule number.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Consumers Energy Company

[Docket No. ER99-10-000]

Take notice that on October 1, 1998, Consumers Energy Company (Consumers), tendered for filing an executed Service Agreement for Network Integration Transmission Service pursuant to Consumers' Open Access Transmission Service Tariff and a Network Operating Agreement with Tenaska Power Services Company (Customer) with effective dates of September 18, 1998.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Consumers Energy Company

[Docket No. ER99-11-000]

Take notice that on October 1, 1998, Consumers Energy Company (Consumers), tendered for filing an executed Service Agreement for Network Integration Transmission Service pursuant to Consumers' Open Access Transmission Service Tariff and a Network Operating Agreement with Tenneco Packaging (Customer) with effective dates of September 18, 1998.

Copies of the filed agreements were served upon the Michigan Public Service Commission and the Customer.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. New York State Electric & Gas Corporation

[Docket No. ER99-12-000]

Take notice that on October 1, 1998, New York State Electric & Gas Corporation (NYSEG), filed executed Network Service and Network Operating Agreements between NYSEG and both Energetix, Inc., and Central Hudson Gas & Electric Corporation. These Agreements specify that the Transmission Customers have agreed to the rates, terms and conditions of NYSEG's currently effective open access transmission tariff and other revisions to the OATT applicable to all customers who take service under its retail access program.

NYSEG requests waiver of the Commission's 60-day notice requirements and an effective date of

September 3, 1998, for the Service Agreements.

NYSEG has served copies of the filing on the New York State Public Service Commission and the Transmission Customers.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Ameren Services Company

[Docket No. ER99-13-000]

Take notice that on October 1, 1998, Ameren Services Company (ASC), tendered for filing a Service Agreement for Long-Term Firm Point-to-Point Transmission Service. ASC asserts that the purpose of the Agreement is for ASC when it takes transmission service for itself in accordance with FERC regulations, and pursuant to its Open Access Transmission Tariff filed in Docket No. ER96-677-004.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. South Carolina Electric & Gas Company

[Docket No. ER99-15-000]

Take notice that on October 1, 1998, South Carolina Electric & Gas Company (SCE&G), submitted a service agreement establishing Public Service Electric and Gas Company (PSEG) as a customer under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of September 1, 1998. Accordingly, SCE&G requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Public Service Electric and Gas Company and the South Carolina Public Service Commission.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. The Montana Power Company

[Docket No. ER99-16-000]

Take notice that on October 1, 1998, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 a Network Integration Transmission Service Agreement with Commercial Energy of Montana (Commercial Energy), under Montana's FERC Electric Tariff, Second Revised Volume No. 5 (Open Access Transmission Tariff).

A copy of the filing was served upon Commercial Energy.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Western Resources, Inc.

[Docket No. ER99-17-000]

Take notice of that on October 1, 1998, Western Resources, Inc., tendered for filing an agreement between Western Resources and Cargill-Alliant, LLC. Western Resources states that the purpose of the agreement is to permit the customer to take service under Western Resources' market-based power sales tariff on file with the Commission. The agreement is proposed to become effective September 4, 1998.

Copies of the filing were served upon Cargill-Alliant, LLC and the Kansas Corporation Commission.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Allegheny Power Service Corp., on Behalf of Monongahela Power Co., the Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99-18-000]

Take notice that on October 1, 1998, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 4 to add two (2) new Customers to the Market Rate Tariff under which Allegheny Power offers generation services.

Allegheny Power requests a waiver of notice requirements to make service available as of September 30, 1998, to Commonwealth Edison Company and Northeast Utilities Service Company.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. USGen New England, Inc.

[Docket No. ER99-19-000]

Take notice that on October 1, 1998, USGen New England, Inc. tendered for filing power sales agreements associated with service under its Rate Schedule FERC No. 1, as required by the Commission in New England Power Company, et al., 82 FERC 61,179 (1998).

Comment date: October 21, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. Baltimore Gas and Electric

[Docket No. ES98-49-000]

Take notice that on September 24, 1998, Baltimore Gas and Electric Company (BGE) submitted an application, under Section 204 of the Federal Power Act, for authorization to issue short-term debt, with not more than \$700 million aggregate principal amount outstanding at any time, on or before December 31, 2000.

Comment date: October 30, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98-27666 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 11282-001-RI]

Summit Hydropower, Incorporated; Notice of Availability of Draft Environmental Assessment

October 8, 1998.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for an original license for the Gainer Dam Hydroelectric Project, located in the town of Scituate, Providence County, Rhode Island, and has prepared a Draft Environmental Assessment (DEA) for the project. In the DEA, the Commission's staff has analyzed the potential environmental

effects of rehabilitating and enlarging an existing project and has concluded that approval of the project, as proposed with additional staff-recommended measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 2-A, of the Commission's offices at 888 First Street, NE, Washington, DC 20426.

Any comments should be filed within 30 days from the date of this notice and should be addressed to David P.

Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street N.E., Room 1-A, Washington, DC 20426. Please affix "Gainer Dam Hydroelectric Project No. 11282" to the top page of all comments. For any questions concerning preparation of the DEA for this proposed action, please contact Lee Emery, E-mail address, lee.emery@ferc.fed.us, or telephone (202) 219-2779, Federal Energy Regulatory Commission, Office of Hydropower Licensing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27612 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP98-794-000]

Northwest Pipeline Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Fort Lewis/Chehalis Enhancement Project and Request for Comments on Environmental Issues

October 8, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of 9,400 horsepower of temporary compression and appurtenant facilities, proposed in the Fort Lewis/Chehalis Enhancement Project.¹ This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This Notice of Intent is also being mailed to adjacent landowners to the

¹ Northwest Pipeline Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

compressor station sites. If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.²

Summary of the Proposed Project

Northwest Pipeline Corporation (Northwest) wants to construct and install temporary compressor units and appurtenant facilities at the existing Chehalis Compressor Station and at a proposed new Fort Lewis Compressor Station. Northwest indicates that the proposed project would supplement the existing permanent compression on Northwest's system and increase Northwest's off-peak south flow capacity through the Fort Lewis area by as much as 75 Mdh/d to 130 Mdh/d, depending upon upstream market conditions.

Northwest states that it now owns two portable Solar Centaur compressor units which are currently dedicated to temporarily replacing out-of-service permanent compressor units under existing blanket certificate authority. In the instant application, Northwest requests additional blanket authority to establish a secondary function for these portable compressor units. Northwest requests blanket authority, with pre-granted abandonment, for temporary installation and operation of the existing portable compressor units, one each at the existing Chehalis Compressor Station and at the new Fort Lewis Compressor Station, but only when such portable units are not needed for their primary function of temporarily replacing out-of-service permanent compressor units. Northwest seeks authorization to install:

- A temporary portable 4,700-horsepower Solar Centaur T4700S turbine unit at the existing Chehalis

Compressor Station in Lewis County, Washington; and

- A temporary portable 4,700-horsepower Solar Centaur T4700S turbine unit at the new Fort Lewis Compressor Station located within the Fort Lewis Military Reservation Training Area 11 in the western half of Section 14, Township 18 North, Range 3 East, Pierce County, Washington.

The location of the project facilities is shown in appendix 3.² If you are interested in obtaining procedural information, please write to the Secretary of the Commission.

Land Requirements for Construction

No additional land would be required for the proposed temporary compressor unit at the existing Chehalis Compressor Station. Construction of the proposed new Fort Lewis Compressor Station and appurtenant facilities would require about 3.8 acres of land. Following construction, the Fort Lewis Compressor Station would be about a 2.1-acre fenced site.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Land use
- Cultural resources
- Air quality and noise
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or

avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on page 4 of this notice.

Currently Identified Environmental Issues

We have already identified two issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Northwest. This preliminary list of issues may be changed based on your comments and our analysis.

- One federally-listed species, the northern spotted owl, could be present in the project area.
- The project would affect about 3.4 acres in the western hemlock zone, a state GAP Analysis Project high conservation priority area.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations, and measures to avoid or lessen environmental impact). The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR-11.1
- Reference Docket No. CP98-794-000; and

² The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Washington, DC 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

• Mail your comments so that they will be received in Washington, DC on or before November 12, 1998.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding is on or before October 15, 1998. Parties seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your environmental comments considered. Additional information about the proposed project is available from M. Paul McKee of the Commission's Office of External Affairs at (202) 208-1088.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-27608 Filed 10-14-98; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00556; FRL-6039-9]

State FIFRA Issues Research and Evaluation Group (SFIREG) Water Quality and Pesticide Disposal Working Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) Water Quality and Pesticide Disposal Working Committee will hold a 2-day meeting, October 26 and 27, 1998. This notice announces the

location and times for the meeting and sets forth the tentative agenda topics. The meetings are open to the public.

DATES: The SFIREG Working Committee on Water Quality and Pesticide Disposal will meet on Monday, October 26, 1998, from 10:30 a.m. to 4:00 p.m. and Tuesday, October 27, 1998, from 8:30 a.m. to 12:00 noon.

ADDRESSES: The meeting will be held at: The Ronald Reagan National Airport Doubletree Hotel, 300 Army Navy Drive, Arlington-Crystal City, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Elaine Y. Lyon, Field and External Affairs Division, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 1921 Jefferson Davis Highway, Arlington-Crystal City, VA 22202, Crystal Mall 2 (CM #2), (703) 305-5306, (fax) (703) 308-1850; e-mail: lyon.elaine@epa.gov.

SUPPLEMENTARY INFORMATION: The tentative agenda of the SFIREG Working Committee on Water Quality and Pesticide Disposal includes the following:

1. Update on the Pesticide Management Plan.
2. Surface water issues.
3. Aquatic herbicide issues.
4. Aquatic herbicides labeling workgroup.
5. Drinking water levels of concern.
6. Tolerance assessment impacts from water residues under FQPA implementation.
7. Office of Pesticide Programs and Office of Water coordination on water assessments and issues: Goals and an action plan.
8. Use of immunoassay methods in monitoring.
9. Update on pesticide disposal.
10. National Environmental Performance Partnership System.
11. Status of Groundwater Restricted Rule.
12. Reports from committee members.
13. Update from the Office of Pesticide Programs.
14. Update from the Office of Enforcement and Compliance Assurance.
15. Other topics as appropriate.

List of Subjects

Environmental protection.

Dated: October 8, 1998.

Bruce A. Sidwell,

Acting Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 98-27673 Filed 10-14-98; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00549; FRL-6025-7]

Pesticides; Notice to Solicit Public Comment on EPA's Proposal to Publish the Registration Division's Fiscal Year 1999 Workplan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is soliciting comments on its proposal to publish the fiscal year 1999 (FY99) workplan for the Registration Division (RD) in keeping with efforts to improve the transparency and flexibility in the pesticide registration process. The Agency is inviting views on the possible benefits and disadvantages of making RD's FY99 workplan publicly available.

DATES: Written comments must be received on or before November 16, 1998.

ADDRESSES: By mail, submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under Unit III. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Rick Keigwin, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 713, Crystal Mall #2, 1921

Jefferson Davis Highway, Arlington, VA, (703) 305-7618, fax: 703-305-6920, e-mail: keigwin.richard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This **Federal Register** notice announces the Agency's proposal to make RD's FY99 workplan publicly available in a PR Notice to be published in October 1998, and solicit comments on this proposed action. If, after reviewing any comments, EPA determines that changes to the PR Notice are warranted, the Agency would revise the draft PR Notice before issuing it in final form.

The Agency proposes to increase the transparency of the registration process by publishing the RD's proposed FY99 workplan, and is inviting public input on the advantages as well as the disadvantages of making this information available.

I. Background

The registration of pesticides (excluding antimicrobials and biopesticides) is performed by the Registration Division of the Office of Pesticide Programs (OPP). Historically, the Agency has reviewed new registration applications and tolerance petitions based upon a system of "first received, first reviewed." In 1993, the Agency switched its process for setting the review queue to a points based system. Under this points based system, RD assigned priority points of differing values depending on the type of action (e.g. Section 18s = 75 points, Experimental Use Permits = 15 points, New Active Ingredients = 10 points). Priority points were also accrued for "aging," i.e., the longer a submission remained in the Agency before being completed, the more priority points it accrued. Actions with the highest number of priority points were generally the first to be completed by each of the science review divisions. Some drawbacks to the priority point system include: difficulty in planning and predicting priorities; some registrant priorities have not been completed in order; little perceived incentive for the registrants to submit comprehensive submissions; and poor reflection of Agency resources allocated toward registration progress.

Despite an increase in registration productivity, backlogs for some critical registration actions remained. To address this concern and to create a more efficient, predictable, and equitable review queue, in June of 1995, the Agency launched a pilot priority system limiting the registrants to five priorities of their choice. Using this method, RD received approximately 170 priorities (designated numbers 1-5) which were blended with Agency

identified priorities (mainly IR-4 and repeat Section 18s) and placed into review. It was generally understood that priority number 1 would be reviewed before priority number 2, and priority number 2 before number 3, etc. PR Notice 95-6 (October 1995) officially announced the new priority policy and procedures, and requested that registrants submit their second round of five priorities (designated numbers 6-10). This round of priorities included new active ingredients, new uses, and experimental use permits. The second round yielded 332 registrant priorities which were blended with EPA priorities.

In April 1997, EPA issued PR Notice 97-2 requesting a third round of five priorities (designated numbers 11-15). The action eligibility for this round was expanded to include inerts and non-fast track amendments, including additional incentives to encourage more products for minor uses, methyl bromide substitutes, and alternatives to certain organophosphates. Changes required in the registration process by the Food Quality Protection Act have caused delays in completing the reviews for priorities 1-10; and delays in the scheduling of priorities 11-15. Registrants identified approximately 600 actions for prioritization in response to PR Notice 97-2.

Review of the registration process reveals a diversity of priority needs: there are statutory priorities such as minor use, me-too, and reduced risk actions; registrants frequently submit their top business priorities; the United States Department of Agriculture (USDA) submits priorities on the basis of crop/pest combinations; priorities for grower groups are channeled directly to EPA or revealed by trends in section 18 requests; and priorities for public interest groups are frequently related to contemporary issues, such as identifying methyl bromide replacement chemicals and alternatives to certain organophosphate pesticides.

By publishing its proposed FY99 registration workplan, the Agency expects to extend the transparency and predictability of the registration process. Based upon resource allocations for FY99, RD expects to make decisions on approximately 15 new active ingredients and 75 (non-section 18) tolerance decisions. The Agency will have set its workplan for FY99 by September 30, 1998, and proposes to publish the list of new chemical and new use candidates in October 1998. When making the workplan public the Agency would exclude all confidential business information.

II. Issues for Comment

The Agency would like to extend the transparency of the registration process. Moreover, EPA believes that there are several benefits from publishing its annual pesticide registration workplan and inviting public comment. A transparent registration workplan would allow opportunities for harmonization of registration work with other pesticide regulatory agencies (e.g., California and Canada), to share similar work and objectives, thereby saving precious resources. EPA also believes that extending the transparency of its process would provide important information to growers, crop consultants, researchers, states, the general public, and other users. The Agency would like to know of any other benefits of publishing its workplan and whether there are any disadvantages to this approach.

III. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established for this action under docket control number "OPP-00549" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the Virginia address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "OPP-00549." Electronic comments on this action may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Pesticides.

Dated: October 2, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs

[FR Doc. 98-27706 Filed 10-14-98; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[DA 98-2045]

En Bancs Regarding Telecom Mergers**AGENCY:** Federal Communications Commission.**ACTION:** Notice.

SUMMARY: The Commission has released a Public Notice which announces two En Bancs to discuss recent consolidation activities in the telecommunications industry, focusing on the proposed mergers between SBC Communications, Inc. and Ameritech Corporation (CC Docket No. 98-141), AT&T Corp. and Tele-Communications, Inc. (CSB Docket No. 98-178), and Bell Atlantic Corporation and GTE Corporation (CC Docket No. 98-184). The purpose of these En Bancs is to assist the Commission in determining whether these mergers are consistent with the goals of the 1996 Telecommunications Act, which include promoting competition in telecommunications markets and protecting the public interest. At the first En Banc, the merger applicants will discuss the details of their merger plans. At the second En Banc, other interested parties will discuss the proposed mergers' impact on telecommunications markets.

DATES: The first En Banc will take place on Thursday, October 22, 1998, from 2:00 p.m. to 5:00 p.m. The second En Banc will be scheduled at a later date.

ADDRESSES: Both En Bancs will be held in the Commission Meeting Room (Room 856) at 1919 M. Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Florence Grasso at 418-1579.

SUPPLEMENTARY INFORMATION: The En Bancs are open to the public, and seating will be available on a first come, first served basis. The En Bancs will also be carried live on the Internet. Internet users may listen to the real-time audio feed of the En Bancs by accessing the FCC Internet Audio Broadcast Home Page. Step-by-step instructions on how to listen to the audio broadcast, as well as information regarding the equipment and software needed, are available on the FCC Internet Audio Broadcast Home Page. The URL address for this home page is <http://www.fcc.gov/realaudio/>.

A transcript of each En Banc will be available 10 days after the event on the FCC's Internet site. The URL address for the FCC's Internet Home Page is <http://www.fcc.gov>. Transcripts may be obtained from the FCC's duplicating contractor, International Transcription

Service, 1231 20th Street, N.W., Washington, DC 20036, by calling ITS at (202) 857-3800 or faxing ITS at (202) 857-3805. Audio and video tapes of the En Bancs may be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, by calling Infocus at (703) 834-0100 or by faxing Infocus at (703) 834-0111.

Federal Communications Commission.

James D. Schlichting,

Acting Chief, Common Carrier Bureau.

[FR Doc. 98-27788 Filed 10-14-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL ELECTION COMMISSION**Sunshine Act Meeting**

AGENCY: Federal Election Commission.

FEDERAL REGISTER NUMBER: 98-25683.

PREVIOUSLY ANNOUNCED DATE & TIME: Thursday, October 1, 1998 10:00 A.M., Meeting Open to the Public.

This Meeting Was Cancelled.

DATE & TIME: Tuesday, October 20, 1998 at 10:00 A.M.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, October 22, 1998 at 2:30 P.M.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes. Advisory Opinion 1998-19: Jan Witold Baran and Arthur L. Herold, counsels on behalf of Credit Union National Association, et al.

DATE & TIME: Thursday, October 22, 1998 at 2:30 P.M.

Governor Pete Wilson's and the Pete Wilson for President Committee, Inc.'s Request for Additional Matching Funds—Proposed Statement of Reasons on Petition for Rehearing.

Governor Pete Wilson's and the Pete Wilson for President Committee, Inc.—Administrative Review of Repayment Determination.

Definition of Who Qualifies as a "Member" of a Membership Association.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Ron Harris, Press Officer, Telephone: (202) 694-1220.

Mary W. Dove,

Deputy Secretary of the Commission.

[FR Doc. 98-27811 Filed 10-13-98; 11:57 am]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION**Ocean Freight Forwarder License Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Milam Cargo, Inc., 7959 NW 21 Street, Suite 102, Miami, FL 33122, Officers: Richard E. Schuler, President, Jesus R. Pazos, Director

MetroFreight International, 6515 Blvd. East, West New York, NY 07093, Officer: Juan Holguin, President

KMC Intl, Inc., 5796 Edgar Tumbleston Road, Meggett, SC 29449, Officers: Karen M. Cummings, President, Patricia A. Meyer, Vice President Fontana International Services, Inc., 2569 NW 74 Avenue, Miami, FL 33122, Officer: Susanne Fontana, President

Gene International Inc., 2125 Center Ave., Suite 300A, Fort Lee, NJ 07024, Officers: Al S. Park, President, Yoon S. Park, Secretary

Dated: October 8, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98-27591 Filed 10-14-98; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM**Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part

225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 6, 1998.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. *First Banks, Inc.*, Creve Coeur, Missouri, and its subsidiary, First Banks America, Inc., Creve Coeur, Missouri; to acquire 100 percent of the voting shares of Redwood Bancorp, San Francisco, California, and thereby indirectly acquire Redwood Bank, San Francisco, California.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Aberdeen Financial Corporation*, Sierra Blanca, Texas, and Aberdeen Financial Intermediate Holding Company, Inc., Wilmington, Delaware; to become bank holding companies by acquiring 90 percent of the voting shares of Bank of Sierra Blanca, Sierra Blanca, Texas.

C. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Columbia Bancorp*, The Dalles, Oregon; to acquire 100 percent of the voting shares of Valley Community Bancorp, McMinneville, Oregon, and thereby indirectly acquire Valley Community Bank, McMinneville, Oregon.

2. *Security Bank Holding Company Employee Stock Ownership Plan*, Coos Bay, Oregon, and Security Bank Holding Company, Coos Bay, Oregon; to acquire 100 percent of the Class B common stock of the target, which will represent not less than 50.001 percent of the total equity of Oregon State Bank, Corvallis, Oregon, (in organization).

Board of Governors of the Federal Reserve System, October 8, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-27634 Filed 10-14-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 28, 1998.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. *Machias Bancorp, MHC, and Machias Bancorp, Inc.*, both of Machias, Maine; to acquire M&M Consulting, LLC, Bangor, Maine, and thereby engage in consulting services to a number of financial institutions, pursuant to § 225.28(b)(9) of Regulation Y.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager

of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Banque Nationale de Paris*, Paris, France; to engage *de novo* through its subsidiary, BNP Capital Markets, LLC, New York, New York, in underwriting and dealing to a limited extent in all types of debt securities (including, without limitation, corporate debt securities, sovereign debt securities, and debt securities convertible into equity securities) and equity securities (including, without limitation, common stock, preferred stock, American Depositary Receipts, Global Depositary Receipts, securities convertible into equity securities and options, other direct and indirect equity ownership interests in corporations and other entities, warrants and other rights issued in connection with the above securities, and other rights issued by close-end investment companies, but not including ownership interests in open-end investment companies); See *e.g. Societe Generale*, 84 Fed. Res. Bull. 680 (1998); in underwriting and dealing in bank-eligible securities, pursuant to § 225.28(b)(8)(i) of Regulation Y; in acting as private placement agent, pursuant to § 225.28(b)(7)(iii) of Regulation Y; in acting as a riskless principal, pursuant to § 225.28(b)(7)(ii) of Regulation Y; in acting as investment or financial advisor to any person, pursuant to § 225.28(b)(6) of Regulation Y; in brokerage activities, pursuant to § 225.28(b)(7)(i) of Regulation Y; in providing transactional services as agent with respect to a broad range of foreign exchange and derivatives instruments, pursuant to § 225.28(b)(7)(v) of Regulation Y; in acting as principal in foreign exchange and certain derivatives transactions, pursuant to § 225.28(b)(8)(ii) of Regulation Y; in making, acquiring, brokering or servicing loans or other extensions of credit, pursuant to § 225.28(b)(1) of Regulation Y; in asset management, servicing and collection of assets of a type that an insured depository institution may originate and own, pursuant to § 225.28(b)(2)(vi) of Regulation Y; and acquiring debt that is in default at the time of acquisition, pursuant to § 225.28(b)(2)(vii) of Regulation Y.

Board of Governors of the Federal Reserve System, October 8, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-27635 Filed 10-14-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION**Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires

persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTION GRANTED EARLY TERMINATION

ET date	Trans num	ET req status	Party name
14-SEP-98	19983942	G	STAR Telecommunications, Inc.
		G	Samer Tawfik.
		G	PT-1 Communications, Inc.
	19984390	G	CMS Holding Company II.
		G	Linsalata Capital Partners Fund II, L.P.
		G	Hartzel Manufacturing, Inc.
	19984405	G	O. Bruton Smith.
		G	Dennis D. Higginbotham, as Trustee.
		G	Halifax Ford-Mercury, Inc.
		G	Higginbotham Chevrolet-Oldsmobile.
		G	Higginbotham Automobiles, Inc.
		G	HMC Finance.
		G	Higginbotham Jeep-Eagle, Inc.
		G	Sunrise Auto World.
	19984441	G	Sterling Software, Inc.
		G	Cayenne Software, Inc.
		G	Cayenne Software, Inc.
	19984451	G	UNOVA, Inc.
		G	Cincinnati Milacron Inc.
		G	Cincinnati Milacron Inc.
	19984463	G	Cincinnati Milacron U.K.
		G	Emerson Electric Co.
		G	PCX Corporation.
	19984471	G	PCX Corporation.
		G	Golden Sky Holdings, Inc.
		G	Sharon J. Lundgren.
	19984473	G	Volconao Vision, Inc.
		G	Whitney Equity Partners, L.P.
		G	SpectraSite Holdings, Inc.
	19984474	G	SpectraSite Holdings, Inc.
		G	Kenneth A. Hoffman.
		G	Victor E. Salvino.
	1998491	G	7-S Corporation.
		G	Century Business Services, Inc.
		G	Beall, Garner, Screen & Geare, Inc.
	19984522	G	Beall, Garner, Screen & Geare, Inc.
		G	CACI International Inc.
		G	Ques Tech, Inc.
	19984529	G	Ques Tech, Inc.
		G	Alfred I. duPont Testamentary Trust.
		G	Goodman-Segar-Hogan-Hoffler, L.P.
15-SEP-98	19984389	G	Goodman-Segar-Hogan-Hoffler, L.P.
		G	Bel Fuse, Inc.
		G	Lucent Technologies, Inc.
	19984400	G	Lucent Technologies, Inc.
		G	Brian L. Roberts.
		G	Glenn R. Jones.
	19984448	G	Jones Intercable, Inc.
		G	Jones Education Company.
		G	Jones Entertainment Group, Ltd.
	19984457	G	Jefferson Health System, Inc.
		G	Frankford Health Care System, Inc.
		G	Frankford Health Care System, Inc.
	19984477	G	Quorum Health Group, Inc.
		G	Columbia/HCA Healthcare Corporation.
		G	Medical Center of Baton Rouge, Inc.
	19984477	G	Hospital Development Property, Inc.
		G	GenCorp, Inc.
		G	Norman E. Alexander.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans num	ET req status	Party name
		G	Sequa Chemicals, Inc.
	19984485	G	Thermo Electron Corporation.
		G	Howard A. Laffler.
		G	LNR Communications, Inc.
	19984486	G	Thermo Electron Corporation.
		G	John D. Miller.
		G	LNR Communications, Inc.
	19984487	G	Thermo Electron Corporation.
		G	Scott T. Jones.
		G	LNR Communications, Inc.
	19984489	G	George S. Hofmeister.
		G	Raul Casares and Nancy B. Casares.
		G	RC Aluminum Industries, Inc.
	19984495	G	Frederik Johannes Diederik Goldschmeding.
		G	AccuStaff Incorporated.
		G	Office Specialists, Inc.
		G	Staffing Resources, Inc.
		G	Matthews Professional Employment Specialists, Inc.
		G	CGS Services, Inc.
		G	CHI Financial Services, Inc.
		G	Mind Sharp Learning Centers, Inc.
		G	The Richard Michael Group, Inc.
	19984495	G	Staffing Resources (SC), Inc.
		G	Staff-Additions, Inc.
		G	Career Horizons Government Services, Inc.
		G	CH Payroll Services, Inc.
		G	Temp Force, Inc.
		G	Temps & Co. Services, Inc.
		G	Dail A Temporary Services, Inc.
		G	Century Temporary Services, Inc.
		G	PL Services, Inc.
		G	People Systems, Inc.
		G	CHI Services, Inc.
		G	HR Management Services, Inc.
		G	Training Delivery Services, Inc.
		G	Firststaff, Inc.
		G	Temps America, Inc.
	19984496	G	McKesson Corporation.
		G	Automated Prescription Systems, Inc.
		G	Automated Prescription Systems, Inc.
	19984497	G	Illinois Tool Works, Inc.
		G	Binks Sames Corporation.
		G	Binks Sames Corporation.
	19984498	G	LaSalle Partners Incorporated.
		G	Lend Lease Corporation Limited.
		G	Compass Management and Leasing, Inc.
		G	ERE Yarmouth Retail, Inc.
	19984500	G	AB Volvo.
		G	Arrow Truck Sales, Inc.
		G	Arrow Truck Sales, Inc.
	19984503	G	Trinity Industries, Inc.
		G	McConway & Torley Employee Stock Ownership Pla.
		G	MCT Holdings, Inc.
	19984504	G	Charles T. Condy.
		G	Entergy Corporation.
		G	Efficient Solutions, Inc.
	19984509	G	Suez Lyonnaise des Eaux, Societe Generale de Belgique.
		G	Hanson PLC.
		G	BMS Holdings, Inc.
	19984510	G	Transition Systems, Inc.
		G	Warburg Pincus Investors LP.
	19984510	G	HealthVISION, Inc.
	19984512	G	Norcross Safety Products L.L.C.
		G	Siebe plc.
		G	Siebe North Holdings Corp.
	19984517	G	Nortek, Inc.
		G	NAPCO, Inc.
		G	NAPCO, Inc.
	19984518	G	The 1998 Confederation Trust.
		G	Wickland Investment, L.P.
		G	Wickland Oil Martinez, L.P.
	19984523	G	Associates First Capital Corporation.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans num	ET req status	Party name
		G	Textron Inc.
		G	Avco Financial Services, Inc., and 87 Subsidiaries.
	19984528	G	Nortek, Inc.
		G	NVP, Inc.
		G	NVP, Inc.
	19984530	G	Harbour Group Investments III, L.P.
		G	Eli Jacobs.
		G	Arkansas General Industries, Inc.
	19984534	G	ASCo Group plc.
		G	Frank L. Levy.
		G	L&L Oil Company, Inc.
	19984537	G	First Union Corporation.
		G	Pneumafil Corporation.
		G	Pneumafil Corporation.
	19984543	G	Crane Co.
		G	The Dow Chemical Company.
		G	The Dow Chemical Company.
	19984548	G	NKT Holding A/S.
		G	Aktiebolaget Electrolux.
		G	White Consolidated Industries, Inc.
	19984551	G	McKesson Corporation.
		G	Richard A. Hess.
		G	Ephrata Diamond Spring Water Company.
	19984565	G	Linsalata Capital Partners Fund III, L.P.
		G	Evan R. Corns.
		G	America's Body Company, Inc.
	19984575	G	Service Stations Partners, L.P.
		G	Food-N-Fuel, Inc.
		G	Food-N-Fuel, Inc.
	19984576	G	Gerald W. Schwartz.
		G	Masayoshi Son.
		G	Upgrade Corporation of america d/b/a SOFTBANK Services Group.
	19984586	G	George S. Hofmeister.
		G	Fisher Holdings, Inc.
		G	Fisher Holdings, Inc.
16-SEP-98	19984258	G	AGCO Corporation.
		G	Cargill, Incorporated.
		G	Cargill, Incorporated.
17-SEP-98	19984501	G	Merrill Lynch & Co., Inc.
		G	Howard Johnson & Co., Inc.
		G	Howard Johnson & Co., Inc.
	19984502	G	The Valspar Corporation.
		G	Dexter Corporation.
		G	Dexter Corporation.
	19984544	G	Transamerica Corporation.
		G	HomeGold Financial, Inc.
		G	HomeGold Financial, Inc.
	19984567	G	Glenn R. Jones.
		G	Cable TV Fund 12-D, Ltd.
		G	Cable TV Fund 12-BCD Venture.
	19984573	G	MJD Communications, Inc.
		G	George C. Twombly.
		G	Utilities, Inc.
21-SEP-98	19984467	G	Emerson Electric Co.
		G	BCE Inc.
		G	Northern Telecom Limited.
		G	Northern Telecom Industries Sdn. Bhd.
	19984479	G	Scott A. Beck.
		G	Hollywood Entertainment Corporation.
		G	Hollywood Entertainment Corporation.
	19984483	G	Morgan Stanley Dean Witter & Co.
		G	Morgan Stanley Capital International Inc.
		G	Morgan Stanley Capital International Inc.
	19984524	G	The Cleveland Clinic Foundation.
		G	Health Hill Hospital for Children.
		G	Health Hill Hospital for Children.
	19984539	G	Carl C. Icahn.
		G	Stratosphere Corporation.
		G	Stratosphere Corporation.
	19984563	G	Temple-Inland Inc.
		G	MacMillan Bloedel Limited.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans num	ET req status	Party name
22-SEP-98	19984570	G	MacMillan Bloedel Clarion Limited Partnership.
		G	Chancellor Media Corporation.
		G	ML Media Partners, L.P.
	19984591	G	WINCOM Broadcasting Corporation.
		G	The News Corporation Limited.
		G	Mr. Keith Rupert Murdoch.
	19984592	G	Fox Entertainment Group, Inc.
		G	The News Corporation Limited.
		G	Mr. Haim Saban.
	19984593	G	Fox Family Worldwide, Inc.
		G	Genstar Capital Partners II, L.P.
		G	Donald M. Soenen.
	19984595	G	Sensors, Inc.
		G	Champion Enterprises, Inc.
		G	Arthur Richter and Sharon Richter.
	19984598	G	Art Richter Insurance, Inc.
		G	Trading Post Mobile Home, Inc.
		G	DPC Enterprises, L.P.
	19984600	G	Koninklijke Pakhoed N.V., a Netherlands company.
		G	Van Waters & Rogers Inc.
		G	Chancellor Media Corporation.
	19984603	G	Xenophon Zapis.
		G	Zapis Communications Corporation.
		G	VNU N.V.
	19984608	G	SCI-BV Holdings, Inc.
		G	SCI-BV Holdings, Inc.
		G	Osborne Jay Call.
	19984609	G	Participating Income Properties II, L.P.
		G	Participating Income Properties II, L.P.
		G	Osborne Jay Call.
	19984612	G	Participating Income Properties 1986, L.P.
		G	FFCA/PIP 1986 Property Company.
		G	George S. Hofmeister.
	19984615	G	Glassalum International Corporation.
		G	Glassalum International Corporation.
		G	Western Resources, Inc.
	19983647	G	Centex Corporation.
		G	Advanced Protection Systems, Inc.
		G	Tenneco Inc.
	19984439	G	Champion International Corporation.
		G	Champion International Corporation.
		G	Sinai Health System, Inc.
	19984472	G	Northwest Health System, Inc.
		G	Northwest Health System, Inc.
		G	TSR Paging Inc.
	19984478	G	AT&T Corp.
		G	AT&T Two-Way Messaging Communications, Inc.
		G	Media/Communications Partners III Limited Partners.
	19984505	G	Brad A. Evans.
		G	BRE Communications, L.L.C.
		G	Mr. Carlos Peralta.
	19984536	G	The Mead Corporation.
		G	Meak Ink Products.
		G	Diageo PLC.
	19984585	G	H.J. Heinz Company.
		G	Heinz Baker Products, Inc.
		G	First Reserve Fund VII, L.P.
	19984587	G	National-Oilwell, Inc.
		G	National-Oilwell, Inc.
		G	First Reserve Fund VIII, Limited Partnership.
	19984606	G	National-Oilwell, Inc.
		G	National-Oilwell, Inc.
		G	Bergen Brunswick Corporation.
	19984616	G	George W. Ransdell.
		G	Ransdell Surgical, Inc.
		G	Bradford T. Whitmore.
	19984618	G	Stratosphere Corporation.
		G	Stratosphere Corporation.
		G	Stephen A. Grove.
		G	Joseph J. Lal.
		G	Pacific Apple Foods Corporation.
		G	Pacific Apple Oregon, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans num	ET req status	Party name
		G	Pacific Apple California, Inc.
	19984620	G	The Chase Manhattan Corporation.
		G	U.S.I. Holdings Corporation.
		G	U.S.I. Holdings Corporation.
	19984622	G	Geotek Communications, Inc.
		G	Paging Network, Inc.
		G	Paging Network of America, Inc.
	19984623	G	Credito Italiano SpA.
		G	Unicredito SpA.
		G	Banca CRT SpA.
	19984625	G	Nu Skin Enterprises, Inc.
		G	Generation Health Holdings, Inc.
		G	Generation Health Holdings, Inc.
	19984626	G	CRH plc.
		G	Slusser Brothers Trucking & Excavating Co., Inc.
		G	Slusser Brothers Trucking & Excavating Co., Inc.
	19984627	G	Jacor Communications, Inc.
		G	Amador S. and Rosalie L. Bustos.
		G	KZSF Broadcasting, Inc.
	19984632	G	Paging Network, Inc.
		G	Geotek Communications, Inc.
		G	Geotek Communications, Inc.
	19984635	G	Consolidated Graphics, Inc.
		G	Automated Graphics Systems, Inc.
		G	Automated Graphics Systems, Inc.
	19984636	G	Dole Food Company, Inc.
		G	Juan Pablo Rodriguez.
		G	Colombian Carnations, Inc.
	19984637	G	Mr. John Fanning.
		G	COMFORCE Corporation.
		G	COMFORCE Corporation.
	19984640	G	DVI, Inc.
		G	Irwin Financial Corporation.
		G	Affiliated Capital Corp.
	19984646	G	Anthony A. Marnell II.
		G	Harrah's Entertainment, Inc.
		G	Harrah's Entertainment, Inc.
	19984647	G	Welsh, Carson, Anderson & Stowe VIII, L.P.
		G	CCW Acquisition Corp.
		G	CCW Acquisition Corp.
	19984648	G	Welsh, Carson, Anderson & Stowe VII, L.P.
	19984648	G	CCW Acquisition Corp.
		G	CCW Acquisition Corp.
	19984649	G	WCAS Capital Partners III, L.P.
		G	CCW Acquisition Corp.
		G	CCW Acquisition Corp.
	19984651	G	I.C.H. Corporation
		G	LR Holdings, Inc.
		G	Lyon's Restaurants, Inc.
	19984656	G	Service Partners, LLC
		G	Mr. Ruskin A. Vest, Jr.
		G	Fiberfoil Insulation Company, Inc.
		G	Vest Insulation, Inc.
		G	Industrial Products Transport, Inc.
		G	Industrial Products Co. Inc.
	19984658	G	Solelectron Corporation
		G	Mitsubishi Electric Corporation
		G	Mitsubishi Consumer Electronics America, Inc.
	19984661	G	Snyder Communications, Inc.
		G	Peter A. Trost
		G	Response Marketing Group, Inc.
	19984662	G	Peter A. Trost
		G	Snyder Communications, Inc.
		G	Snyder Communications, Inc.
	19984663	G	Snyder Communications, Inc.
		G	B. Stuart Holt, III
		G	Response Marketing Group, Inc.
	19984664	G	B. Stuart Holt, III
		G	Snyder Communications, Inc.
		G	Snyder Communications, Inc.
	19984666	G	ResortQuest International, Inc.
		G	Abbott Realty Services, Inc. Tops'1 Sales Group, Inc

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans num	ET req status	Party name
23-SEP-98	19984678	G	Abbott Realty Services, Inc. Tops'1 Sales Group, Inc
		G	WorldCorp, Inc.
		G	Atlas Die, Inc.
	19984681	G	Atlas Die, Inc.
		G	Avery Dennison Corporation
		G	Charles H. and Helen J. Krauss
	19984384	G	Spartan International, Inc.
		G	Flowers Industries, Inc.
		G	President Enterprises Corp., a Taiwanese corporation.
	19984419	G	Presidential International Trade and Investment Corpora- tion.
		G	Alexian Brothers of America, Inc.
		G	Columbia/HCA Healthcare Corporation.
24-SEP-98	19984555	G	Suburban Medical Center at Hoffman Estates, Inc.
		G	Cadence Design Systems, Inc.
		G	Ambit Design System, Inc.
	19984597	G	Ambit Design System, Inc.
		G	STERIS Corporation.
		G	Simunico Partners, L.P.
	19984695	G	Hausted, Inc.
		G	Tenet Healthcare Corporation.
		G	Allegheny Health, Education and Research Foundati.
	19984404	G	Allegheny Health, Education and Research Foundation.
		G	Allegheny Univ. of the Health Sciences.
		G	Waste Management, Inc.
25-SEP-98	19984566	G	Bruce Leven.
		G	RST Disposal Co. Inc., Nick Raffo Garbage Co. Inc., al
		G	Adventist Health System Sunbelt Healthcare Corporation.
	19984381	G	Columbia/HCA Healthcare Corporation.
		G	Columbia/HCA Healthcare Corporation.
		G	Proffitt's Inc.
	19984429	G	W.D. Company, Inc.
		G	Mercantile Stores Company, Inc.
		G	Dillard's Inc.
	19984449	G	Green Bay Packaging, Inc.
		G	Paul Walker.
		G	Valley Packaging Corp.
	19984516	G	Elf Aquitaine, S.A.
		G	E.I. du Pont de Nemours and Company.
		G	E.I. du Pont de Nemours and Company.
	19984520	G	The Robert Rosenkranz Trust.
		G	Christopher M. Whitt.
		G	Air Systems, Inc.
	19984569	G	Carl C. Icahn.
		G	Becker Gaming, Inc.
		G	Arizona Charlies, Inc.
	19984601	G	Chancellor Media Corporation.
		G	Independent Group Limited Partnership.
		G	Independent Group, Inc.
	19984602	G	CRH plc.
		G	Stanford M. Adelstein.
		G	Hills Materials Company.
	19984607	G	The Dai-Ichi Kangyo Bank, Limited.
		G	Electronic Data Systems Corporation.
		G	Electronic Data Systems Corporation.
	19984634	G	Fenway Partners Capital Fund II, L.P.
		G	Simmons Holdings, Inc.
		G	Simmons Holdings, Inc.
	19984639	G	Welsh, Carson, Anderson & Stowe, VIII, L.P.
		G	Century Communications Corp.
		G	Centennial Cellular Corp.
	19984644	G	John J. Rigas.
		G	Tele-Communications, Inc.
		G	TCID-SVHH, Inc.
	19984653	G	MarineMax, Inc.
		G	John R. Moore, III.
		G	Treasure Cove Marina, Inc.
	19984655	G	ARBY Broadcast Partners III, L.P.
		G	DMA Holdings Statutory Trust.
		G	Audio Communications Network, Inc.
	19984655	G	Thomas Lord Trust.
		G	Robert R. Meyer.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans num	ET req status	Party name
	19984667	G	Thermoset Plastics, Inc.
		G	Jones Apparel Group, Inc.
		G	Eric A. Rothfeld.
		G	Sun Apparel, Inc.
	19984668	G	Eric A. Rothfeld.
		G	Jones Apparel Group, Inc.
		G	Jones Apparel Group, Inc.
	19984669	G	Carey International, Inc.
		G	Geroje Jacobs.
		G	American Limousine Partners Inc.
		G	Airport Limousine Repair Service, Inc.
	19984690	G	American Tower Corporation.
		G	Richard H. Stewart.
		G	Wauka Communications, Inc.
		G	Grid Site Services, Inc.
	19984691	G	Mind Spring Enterprises, Inc.
		G	American Online, Inc.
		G	Spry, Inc.
	19984701	G	Journal Communications, Inc.
		G	Great Empire Broadcasting, Inc.
		G	Great Empire Broadcasting, Inc.
	19984708	G	Associated Grocers Incorporated.
		G	Fleming Companies, Inc.
		G	Fleming Companies, Inc.
	19984717	G	Morgan Stanley Dean Witter & Co.
		G	Toy Biz, Inc.
		G	Toy Biz, Inc.
	19984716	G	Triton PCS Holdings, Inc.
		G	AT&T Corp.
		G	AT&T Wireless Services, Inc.
	19984719	G	Citizens Utilities Company.
		G	Rhinelanders Telecommunications, Inc.
		G	Rhinelanders Telecommunications, Inc.
	19984747	G	General Electric Company.
		G	Pitney Bowes, Inc.
		G	Colonial Pacific Leasing Corporation.
	19984762	G	MBNA Corporation.
		G	The Royal Bank of Scotland Group plc.
		G	Citizens Bank New Hampshire.
		G	Citizens Bank of Rhode Island.
	19984768	G	Pittway Corporation.
		G	Glenn Fischer.
		G	KingAlarm Distributors, Inc.

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326-3100.

By Director of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98-27677 Filed 10-14-98; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Government-Owned Trademark; Availability for Licensing**

AGENCY: Centers for Disease Control and Prevention, Office of Technology Transfer, Department of Health and Human Services.

ACTION: Notice: The NIOSHTIC® Trademark named in this notice is owned by the United States Government and is available for licensing in the United States (U.S.) in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

SUMMARY: In the last 25 years, the National Institute for Occupational

Safety and Health (NIOSH) has developed the world's largest and most comprehensive bibliographic database of occupational safety and health literature (NIOSHTIC® Database). The database is a mature product that is well respected in the field of occupational health and safety and has proven commercial viability. NIOSH is now seeking offers from organizations interested in assuming control and responsibility for the future development, maintenance and marketing of the NIOSHTIC® Database through a trademark licensing agreement.

ADDRESSES: Licensing proposals can be sent to Thomas E. O'Toole, M.P.H., Deputy Director, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), Mailstop E-67, 1600 Clifton Road, Atlanta, Georgia 30333,

telephone (404) 639-6270; facsimile (404) 639-6266.

A. CDC, NIOSH Is Offering

1. *Exclusive use of the NIOSHTIC® Database* name in relation to the production of the database: The Licensee will have unlimited use of the NIOSHTIC® Trademark for product identification and promotion.

2. *Control of the current NIOSHTIC® Database master file*: NIOSH will provide the Licensee with a copy of the NIOSHTIC® Database master file as it currently exists. The Licensee may reformat the data, and add or delete fields, provided that the integrity of the file is maintained or enhanced.

3. *The authority and responsibility to the licensee to negotiate future agreements with all vendors, and entitlement to collect fees to maintain the database*: Licensee will have the option to use existing vendor agreements until they expire, or to terminate (i.e., after a 90-day notice) existing agreements and establish new agreements.

4. *An electronic copy of all NIOSH materials generated for the NIOSHTIC-2 database*: NIOSH will provide an electronic copy of all citations created for the NIOSHTIC-2 database. These data will be provided in the NIOSHTIC-2 format which is considerably different from the current NIOSHTIC® Database format. The Licensee will be responsible for reformatting the material for inclusion in NIOSHTIC® Database if desired. NIOSHTIC-2 citations will consist of a wide variety of publication types including NIOSH published documents, unpublished NIOSH reports, journal articles, book chapters, etc. Only research reports conducted or funded by NIOSH will be included in NIOSHTIC-2. We anticipate that approximately 600 citations will be added to NIOSHTIC-2 annually.

5. *NIOSH staff to provide counsel to Licensee*: As modifications of the scope of the NIOSHTIC® Database are considered, NIOSH will provide historical perspective of the interpretations of the current Document Selection Criteria and the Core Journal List as well as all other aspects of the project.

B. NIOSH Expects the Licensee to

1. *Maintain NIOSHTIC® Database as an active, viable occupational safety and health database*: The Licensee must not radically alter the scope of the NIOSHTIC® Database, but modification of the current Document Selection Criteria and Core Journal List is acceptable and expected as the needs of the users dictate.

2. *Market NIOSHTIC® Database so that it is available to the international occupational safety and health community*: The Licensee must make NIOSHTIC® Database available worldwide in a variety of forms such as on-line, CD-ROM, and/or the Internet using the NIOSHTIC® Trademark.

3. *Provide multiple point, free, and unlimited access to NIOSH employees for all products resulting from this licensing agreement*: NIOSH research and information staff must have access to what will remain the world's largest and most comprehensive bibliographic database of occupational safety and health information.

4. *Allow NIOSH representation on any editorial or policy board for the database*: A NIOSH representation should serve on any editorial or policy board established for the NIOSHTIC® Database to ensure that the Institute's interests are considered.

5. *Provide sufficient royalties to cover NIOSH's expenses for meeting travel, orientation to the product, consultation on policy issues or oversight activity as desired by either party*: NIOSH believes that the overwhelming majority of revenue generated should be reinvested in the development and maintenance of the NIOSHTIC® Database and related projects.

Dated: October 8, 1998.

Thena M. Durham,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 98-27641 Filed 10-14-98; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97E-0270]

Determination of Regulatory Review Period for Purposes of Patent Extension; Aldara™ (4,689,338)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Aldara™ (4,689,338) and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Aldara™ (4,689,338) (imiquimod). Aldara™ (4,689,338) is indicated for the treatment of external genital and perianal warts/condyloma acuminata in adults. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Aldara™ (4,689,338) (U.S. Patent No. 4,689,338) from Riker Laboratories, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 22, 1997, FDA advised the Patent

and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Aldara™ (4,689,338) represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Aldara™ (4,689,338) is 3,471 days. Of this time, 3,254 days occurred during the testing phase of the regulatory review period, 217 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* August 30, 1987. The applicant claims September 1, 1987, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was August 30, 1987, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* July 26, 1996. The applicant claims July 25, 1996, as the date the new drug application (NDA) for Aldara™ (4,689,338) (NDA 20-723) was initially submitted. However, FDA records indicate that NDA 20-723 was submitted on July 26, 1996.

3. *The date the application was approved:* February 27, 1997. FDA has verified the applicant's claim that NDA 20-723 was approved on February 27, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,826 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before December 14, 1998, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before April 13, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857,

part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 28, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98-27584 Filed 10-14-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98D-0834]

Draft Guidance for Industry on Non-Contrastive Estrogen Class Labeling; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Labeling Guidance for Non-Contrastive Estrogen Drug Products—Physician and Patient Labeling." The draft guidance is intended to serve as a template for sponsors of estrogen class drug products to ensure that such products contain uniform physician and patient labeling information. Once finalized, this draft guidance will replace the "Labeling Guidance for Estrogen Drug Products, Physician Labeling" and "Labeling Guidance for Estrogen Drug Products, Patient Package Insert," both of which were revised and published in August 1992.

DATES: Written comments on the draft guidance document may be submitted by December 14, 1998. General comments on the agency guidance documents are welcome at any time.

ADDRESSES: Copies of this draft guidance for industry can be obtained on the Internet at <http://www.fda.gov/cder/guidance/index.htm>. Submit written requests for single copies of "Labeling Guidance for Estrogen Drug Products; Physician and Patient labeling" to the Drug Information

Branch (HFD-210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: John C. Markow, Reproductive and Urologic Drug Products, Center for Drug Evaluation and Research (HFD-580), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4260.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guidance for industry entitled "Labeling Guidance for Non-Contrastive Estrogen Drug Products; Physician and Patient Labeling." Once it has been finalized, the guidance will replace two existing guidance documents: (1) "Labeling Guidance for Estrogen Drug Products, Physician Labeling" and (2) "Labeling Guidance for Estrogen Drug Products, Patient Package Insert," both of which were revised and published in August 1992. The draft guidance provides a template for both physician and patient labeling for estrogen class drug products, which sponsors should use with new drug applications and abbreviated new drug applications.

The draft guidance outlines the recommended language for the physician insert and the patient package insert. Included are black box warnings explaining the increased risk of cancer of the uterus associated with the use of estrogens. Once finalized, the recommendations in this draft guidance should be followed for all approved, pending, and future applications.

This draft guidance is a level 1 guidance consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). It represents the agency's current thinking on estrogen class labeling. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statute, regulations, or both.

Interested persons may submit written comments on the draft guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and

received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 5, 1998.

William K. Hubbard,
Associate Commissioner for Policy
Coordination.

[FR Doc. 98-27583 Filed 10-14-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel PA-98-052, "Mentored Patient-Oriented Research Career Development Award" also PA-98-053, "Midcareer Investigator Award in Patient-Oriented Research".

Date: November 3-4, 1998.

Time: November 3, 1998, 7:00 pm to 9:00 pm.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Time: November 4, 1998, 8:30 am to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Diane M. Reid, NIH, NHLBI, DEA, Two Rockledge Center, 6710 Rockledge Drive, Room 7182, Bethesda, MD 20892-7924, (301) 435-0277.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Pathophysiology of HTLV-I and HTLV-II Infection.

Date: November 6, 1998.

Time: 9:30 am to 11:00 am.

Agenda: To review and evaluate grant applications.

Place: Rockledge II, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: C. James Scheirer, Chief, Review Branch, NIH NHLBI, DEA, Two Rockledge Center, 6701 Rockledge Drive, Suite 7216, Bethesda, MD 20892-7924, (301) 435-0266.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Decreasing Weight Gain in African-American Preadolescent Girls.

Date: November 16-17, 1998.

Time: November 16, 1998, 7:00 pm to 10:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hilton Hotel, 620 Perry Parkway, Gaithersburg, MD 20877.

Time: November 17, 1998, 8:00 am to 9:00 am.

Agenda: To review and evaluate grant applications.

Place: Hilton Hotel, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Anthony M. Coelho, Leader, Clinical Studies SRG, NIH, NHLBI, DEA, Rockledge Center II, 6701 Rockledge Drive, Room 7194, Bethesda, MD 20892-7924, (301) 435-0288.

(Catalogue of Federal Domestic Assistance Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 7, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-27627 Filed 10-14-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Oncological Sciences Initial Review Group, Pathology B Study Section.

Date: October 14-16, 1998.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Ave, Washington, DC 20007.

Contact Person: Martin L. Padarathsingh, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892, (301) 435-1717.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Initial Review Group, Visual Sciences C Study Section.

Date: October 14-15, 1998.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW, Washington, DC 20007.

Contact Person: Carole Jelsema, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, (301) 435-1248.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Immunological Sciences Initial Review Group, Experimental Immunology Study Section.

Date: October 15-17, 1998.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Airlie House, 6809 Airlie Road, Warrenton, VA 20187.

Contact Person: Calbert A. Laing, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, (301) 435-1221.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Infectious Diseases and Microbiology Initial Review Group, Tropical Medicine and Parasitology Study Section.

Date: October 15-16, 1998.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20852.

Contact Person: Jean Hickman, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435-1146.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cellular and Molecular and Developmental Neurosciences.

Date: October 15–16, 1998.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Inn, 1310 Wisconsin Ave., NW., Washington, DC 20007.

Contact Person: Carl D. Banner, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892, (302) 435–1251.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Genetic Sciences Initial Review Group, Genetics Study Section.

Date: October 15–16, 1998.

Time: 9:00 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn 2101 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: David J. Remondini, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7890, Bethesda, MD 20892, (301) 435–1038.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 15, 1998.

Time: 6:00 pm to 7:00 pm.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Syed Quadril, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, Bethesda, MD 20892, (301) 435–1211.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 19–20, 1998.

Time: 8:30 am to 4:30 pm.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 1250 22nd Street, NW, Washington, DC 20037.

Contact Person: Michael A. Lang, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1265.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cellular & Molecular and Developmental Neurosciences.

Date: October 19–20, 1998.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo Hotel, 2121 P St., NW, Washington, DC 20037.

Contact Person: Gabrielle Leblanc, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 1216, Bethesda, MD 20892, (301) 435–1216.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular, Cellular and Developmental Neurosciences.

Date: October 20–21, 1998.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Joanne T. Fujii, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, Bethesda, MD 20892, (301) 435–1178, fujij@drj.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 20–21, 1998.

Time: 8:30 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Rosslyn, 1900 North Fort Myer Drive, Arlington, VA 22209.

Contact Person: Mary Custer, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7850, Bethesda, MD 20892, (301) 435–1164.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 22, 1998.

Time: 7:30 am to 8:00 am.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, Washington, DC 20036.

Contact Person: Anita Miller-Sostek, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7848, Bethesda, MD 20892, (301) 435–1260.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 22–23, 1998.

Time: 8:am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo Hotel, 2121 P St., NW, Washington, DC 20037.

Contact Person: Carole Jelsema, Scientific Review Administrator, Center for Scientific

Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, (301) 435–1248.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 6, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–27629 Filed 10–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Research on Women's Health Advisory Committee; Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: November 16, 1998.

Time: 8:30 am to 5:00 pm.

Date: November 17, 1998.

Time: 9:00 am to 1:00 pm.

Agenda: The Committee will provide advice and recommendations on women's health research issues and on ORWH activities. The Committee will also discuss ongoing activities to update the NIH research agenda on women's health, including recommendations from its series of meetings, "Beyond Hunt Valley: Research on Women's Health for the 21st Century."

Place: National Institutes of Health, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, MD 20892, 301/402–1770.

Contact Person: Joyce Rudick, Acting Deputy Director, Office of Research on Women's Health, Office of the Director, National Institutes of Health, Building 1, Room 201, Bethesda, MD 20892.

Dated: October 7, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–27628 Filed 10–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Federal Geographic Data Committee (FGDC); Public Comment on the Proposal To Develop the "Biological Nomenclature and Taxonomy Data Standard" as a Federal Geographic Data Committee Standard

ACTION: Notice; Request for comments.

Note: This announcement extends the deadline for comments stated in an announcement published September 28, 1998, pages 51586, 87, 88, from October 15, 1998, to November 15, 1998.

All other information in the original announcement remains unchanged.

Dated: October 7, 1998.

Richard E. Witmer,

Chief, National Mapping Division.

[FR Doc. 98-27644 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-Y7-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

ACTION: Notice.

SUMMARY: Notice is hereby given that the United States Geological Survey (USGS) is planning to enter into a Cooperative Research and Development Agreement (CRADA) with Texaco Group Inc. to develop X-ray diffraction methods for the quantitative analysis of clay minerals in shales. Any others wishing to pursue the possibility of a CRADA for similar activities should contact U.S. Geological Survey no later than 30 days from the publication of this notice.

ADDRESSES: Information on the proposed CRADA is available to the public upon request at the following location: U.S. Geological Survey, 3215 Marine Street, Boulder, Colorado 80302.

FOR FURTHER INFORMATION CONTACT:

Dennis D. Eberl, U.S. Geological Survey, Water Resources Division at the address given above; telephone (303) 541-3028; e-mail ddeberl@usgs.gov; FAX (303) 447-2505.

Robert M. Hirsch,

Chief Hydrologist.

[FR Doc. 98-27698 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-Y7-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-962-1410-00-P, AA-8447-A, AA-8447-B, AA-8447-D, AA-8447-A2, AA-8447-B2]

Notice for Publication; Alaska Native Claims Selections

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions approving lands for conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to The Eyak Corporation for approximately 22,415 acres. The lands involved are in the vicinity of Cordova, Alaska:

Lots C and D, U.S. Survey No. 2765, Alaska

Tract B, U.S. Survey No. 2679, Alaska
Lots 11, 12, and 14, U.S. Survey No. 5103, Alaska

Copper River Meridian, Alaska

Tps. 15 and 16 S., R. 1 W.

Tps. 14, 15, and 16 S., R. 2 W.

Tps. 14, 15, and 16 S., R. 3 W.

Tps. 13, 15, and 16 S., R. 4 W.

Tps. 13, 14, 15, 16, and 17 S., R. 5 W.,

T. 13 S., R. 5 E.

Notice of the decisions will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decisions may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions, an agency of the Federal government, or regional corporation, shall have until November 16, 1998 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Heather A. Coats,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 98-27638 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-44-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-930-1820-00]

Notice of Office Reorganization and Name Change for the BLM Montana/Dakotas Organization

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice provides information about the BLM Montana/Dakotas reorganization approved by the BLM Director on April 2, 1998, and the subsequent Montana/Dakotas State Director implementation and decision memorandum of May 20, 1998, that changes the 3-tier structure (State Office-District Office-Resource Area Office) to a 2-tier structure (State Office-Field Office). This change is operationally in effect now and will become "officially" in effect on October 11, 1998. None of the offices will be closed. However, office name and jurisdiction for some offices will change.

The District Offices as Described Below are Removed From the Organizational Structure

Butte District Office

Beginning at a point on the Canadian border and the county line between Flathead and Glacier Counties; thence southeasterly along the county line; thence southeasterly along the Flathead-Pondera County line; thence southerly along the Flathead-Lewis and Clark County line; thence southerly along the Powell-Lewis and Clark County line to a point at the southeast corner on Township 15 North, Range 9 West; thence easterly along the township line to the Cascade County line; thence south and east along the Lewis and Clark-Cascade County line; thence southeast along the Lewis and Clark-Meager County line; thence southeast along the Broadwater-Meager County line; thence easterly along the southern line of Meager County; thence south and east along the Park-Sweetgrass County line; thence east along the Park-Stillwater County line; thence south along the Park-Carbon County line to the Wyoming state line; thence west and south along the Wyoming state line to the Idaho state line; thence westerly and northerly along the Idaho state line to the Canadian border; thence east to the point of beginning.

Lewistown District Office

Beginning at a point on the Canadian border and the county line between

Flathead and Glacier Counties; thence east along the Canadian border to the county line between Valley and Daniels Counties; thence southerly along the Valley-Daniels County line; to the Fort Peck Indian Reservation; thence westerly and southerly between Valley County and Fort Peck Indian Reservation to the Missouri River; thence southwesterly along the Valley-McCone county line; thence southwesterly along the Valley-Garfield county line; thence southwesterly along the Phillips-Garfield county line; thence southerly along the Petroleum-Garfield county line; thence southerly along the Petroleum-Rosebud county line; thence westerly along the Petroleum-Musselshell county line; thence westerly along the Fergus-Musselshell county line; thence westerly along the Fergus-Golden Valley county line; thence westerly along the Fergus-Wheatland county line; thence westerly along the Judith Basin-Wheatland county line; thence southerly along the Meager-Wheatland county line to a point on the eastern boundary of the Butte District; thence west and northerly along the east boundary of the Butte District to the point of beginning.

Miles City District Office

Beginning at a point on the Canadian border and the county line between Valley and Daniels county; thence east along the Canadian border to the Montana-North Dakota state line; thence south along the Montana-North Dakota border; thence south along the Montana-South Dakota border to the southeast corner of Montana; thence west along the Montana-Wyoming border to the Park-Carbon county line; thence west and north along the east boundary of the Butte District; thence north, west and northerly along the Lewistown District southern and eastern boundaries to the point of beginning.

Dickinson District Office

All of North and South Dakota.

The Office Name Change and Area of Administration Are Listed Below

1. The Dillon Resource Area Office is now called the *Dillon Field Office* and the boundary (area) of jurisdiction remains the same.

2. The Garnet Resource Area Office is now called the *Missoula Field Office* and the boundary (area) of jurisdiction remains the same.

3. The Headwaters Resource Area Office is now called the *Butte Field Office* and the boundary (area) of jurisdiction remains the same.

4. The Great Falls Resource Area Office is now called the *Great Falls*

Field Office and the boundary (area) of jurisdiction remains the same.

5. The Judith and Havre Resource Area Offices are combined and are called the *Lewistown Field Office* with the boundary (area) of jurisdiction the combination of the two former resource areas.

6. The Havre Resource Area Office is now called the *Havre Field Station* and is attached to and under the supervision of the Lewistown Field Office.

7. The Phillips and Valley Resource Area Offices are combined and are called the *Malta Field Office* with the boundary (area) of jurisdiction the combination of the two former resources areas.

8. The Valley Resource Area Office is now called the *Glasgow Field Station* and is attached to and under the supervision of the Malta Field Office.

9. The Big Dry and Powder River Resource Area Offices are combined and now are called the *Miles City Field Office* with the boundary (area) of jurisdiction the combined resources areas.

10. The Billings Resource Area Office is now called the *Billings Field Office* and the boundary (area) of jurisdiction remains the same.

11. The Dickinson District Office is now called the *North Dakota Field Office* and the boundary (area) of jurisdiction is the State of North Dakota.

12. The Belle Fourche Resource Area Office is now called the *South Dakota Field Office* and the boundary (area) of jurisdiction is the State of South Dakota. The management officer (Field Manager) of each field office is a "line" official and reports to the Montana/Dakotas State Director. A supervisor will be in each of the field stations and will report to a Field Manager.

Business with BLM should be conducted at the above locations as was done in the past as the "new" field offices will, from a non-BLM (external customer) view, operate like the "old" district offices. This reorganization merely renames offices, adjusts some jurisdictional boundaries, as outlined above, and removes a layer of the organizational structure between the identified "old" Resource Areas which are now Field Offices or Field Stations and the Montana State Office.

FOR FURTHER INFORMATION CONTACT: Janet Singer, Deputy State Director, Division of Support Services, 406-255-2742.

Larry E. Hamilton,
State Director.

[FR Doc. 98-27699 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-010-02-5700-10; IDI-32281]

Notice of Realty Action—IDI-32281; Direct Sale of Public Lands in Owyhee County, ID

AGENCY: Bureau of Land Management—Interior.

SUMMARY: The following described public land in Owyhee County, Idaho has been examined and through the public-supported land use planning process has been determined to be suitable for disposal utilizing direct sale procedures pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 at no less than the appraised fair market value of \$9,000.00. The land will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Boise Meridian, Idaho

T. 6S., R. 4E., Section 4: W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
Aggregating 30.0 acres more or less.

The patent, when issued will contain a reservation to the United States for ditches and canals.

DATES: On October 15, 1998, the land described above will be segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of the Federal Land Policy and Management Act. The segregative effect will end upon issuance of patent or 270 days from the date of publication, whichever occurs first.

ADDRESSES: Bruneau Resource Area, 3948 Development Ave., Boise, ID 83705.

FOR FURTHER INFORMATION CONTACT: Contact Mike Austin, at the address shown above or (208) 384-3339.

SUPPLEMENTARY INFORMATION: This land is not required for any federal purpose. Because of its location or other characteristics, this land is difficult and uneconomic to manage as part of the public domain. It would be in the public interest to sell this land by direct sale to Owyhee County for solid waste disposal purposes. Their refusal or failure to pay the appraised fair market value shall result in cancellation of the sale.

It has been determined that the subject parcel contains no known mineral values; therefore, mineral interests will be conveyed simultaneously. A separate nonrefundable filing fee of \$50.00 is required from the purchaser for conveyance of mineral interests.

For a period of 45 days from the date of publication of this notice is in the **Federal Register**, interested parties may submit comments to the Bruneau Area Manager, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705. Any adverse comments will be reviewed by the Area Manager, who may sustain, modify, or vacate this realty action to accommodate the protest. If the protest is not accommodated, the comments are subject to review by the District Manager who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of Interior.

Dated: October 2, 1998.

Signe Sather-Blair,

Bruneau Area Manager.

[FR Doc. 98-27697 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-GG-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-030-1310-00]

Intent To Prepare A Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for Public Land in Otero and Sierra Counties, NM

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare an RMPA/EIS and invitation to participate in identification of issues and planning criteria.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM, Las Cruces Field Office will direct preparation of a Fluid Minerals Leasing RMPA/EIS by Dames and Moore, Inc., a qualified consultant. The RMPA/EIS will address fluid minerals (oil, gas, and geothermal) leasing and subsequent activities (e.g., exploration, development, and/or production) on public land in Otero and Sierra Counties, New Mexico. Planning efforts for the RMPA will determine which public land and fluid minerals should be made available for leasing and subsequent activities, and what requirements (stipulations) may be needed to protect other resource values. The EIS will identify the potential

impacts that fluid minerals leasing and subsequent activities could have on the environment and identify appropriate measures to mitigate those impacts.

The BLM will conduct three public scoping meetings. All of the public meetings will be informal to foster public attendance and input. The dates, times, and locations for these meetings are as follows:

Date	Location
Monday, November 2, 1998, 6:30 p.m. to 8:30 p.m.	Best Western Sally Port Inn, 2000 N. Main, Roswell, New Mexico.
Wednesday, November 4, 1998, 6:30 p.m. to 8:30 p.m.	Civic Center, 800 E. First St., Alamogordo, New Mexico.
Thursday, November 5, 1998, 6:30 p.m. to 8:30 p.m.	Civic Center, 400 W. Fourth St., Truth of Consequences, New Mexico.

DATES: Written comments will be accepted through November 16, 1998.

ADDRESSES: Comments should be sent to Theresa Hanley, BLM, Las Cruces Field Office, 1800 Marquess, Las Cruces, NM 88005.

FOR FURTHER INFORMATION CONTACT: Theresa Hanley, Team Leader, at (505) 525-4342 or Russ Jentgen at (505) 525-4351.

SUPPLEMENTARY INFORMATION: The purpose of issuing Federal fluid mineral leases is to provide the opportunity to explore for and produce domestic resources of fluid minerals to meet the National demand for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended. Previous environmental and planning documents were prepared to address fluid minerals leasing for this area (public land in Sierra and Otero Counties), including the Environmental Assessment for Oil and Gas and Geothermal Leasing in the White Sands Resource Area completed in 1981, and the White Sands RMP completed in 1986. However, large increases in oil and gas lease nominations in 1998 prompted the BLM to review the RMP. It was found to lack information to make leasing decisions commensurate with the increased leasing nominations and potential subsequent exploration and development. BLM is developing this RMPA/EIS to be consistent with current laws, regulations, and supplemental program guidance (BLM Manual Section 1624.2) for fluid minerals leasing and providing the public an opportunity to review the leasing decision-making. The RMPA/EIS will determine where and under what conditions fluid minerals leasing and subsequent activities will be

permitted. The determinations will provide the basis for timing, surface use, and no surface occupancy stipulations that will be attached to Federal fluid mineral leases. The RMPA/EIS also will identify the circumstances necessary for granting waivers, exceptions, or modifications to stipulations. The RMPA/EIS will be a Category 2 Amendment as defined in BLM Manual Section 1617.42.

The planning area will include public land in Otero and Sierra Counties, encompassing 2.4 million surface acres administered by BLM and 3.7 acres of Federal mineral estate.

It is anticipated that the RMPA/EIS process will require 24 months to complete and will include public and agency scoping, coordination and consultation with Federal, State, tribal, and local agencies, public review and public hearings on the published draft RMPA/draft EIS, a published proposed RMPA/final EIS, published Record of Decision, and Plan Amendment. Publication of the Record of Decision is anticipated in September 2000.

BLM public information and scoping will include notification to the public and Federal, state, tribal, and local agencies of the proposed action; identification by the public of the range of issues and concerns to be considered in the EIS; development of planning criteria; and the solicitation of assistance from the public to identify reasonable alternatives. In addition, the public will have the opportunity to ask questions regarding the proposed project at scheduled public scoping meetings (see **SUMMARY** section of this notice).

Written comments should address: (1) Issues to be considered, (2) if the planning criteria are adequate for the issues, (3) feasible and reasonable alternatives to examine, and (4) relevant information having a bearing on the RMPA/EIS. BLM will maintain a mailing list of parties and persons interested in being kept informed about the progress of the RMPA/EIS.

Description of Possible Alternatives

A range of reasonable alternatives, including an alternative considering no action as required by NEPA, will be developed and analyzed in the EIS. Through scoping, the public will assist in developing the alternatives. One alternative will be selected as the agency-preferred alternative.

Anticipated Decisions and Criteria

The anticipated decisions will include answers to the following:

- Which public land and fluid minerals should be available for leasing and subsequent activities?

- On which lands are standard lease terms and conditions sufficient?

- Which public land should be available for leasing with constraints (e.g., timing limitations, no surface occupancy, controlled surface use)?

- Which leasing stipulations from existing plans are appropriate and sufficient to protect other resource values?

- Which public land should be closed to fluid minerals leasing?

Preliminary planning criteria for guiding the development of the RMPA/EIS include the following. Actions must:

- Comply with laws, executive orders, and regulations.

- Provide for orderly leasing and development of fluid minerals while providing for the protection of environmental resources and minimizing the extent of impact on the environment.

- Provide for the conservation of mineral resources.

- Provide for rehabilitation of affected land.

- Minimize soil erosion.

- Provide for protection of water resources.

- Provide for protection and management of plant and animal special status species.

- Provide for protection and management of wildlife and wildlife habitat.

- Provide for protection of cultural and paleontological resources.

- Provide for availability of recreation opportunities.

- Protect and enhance visual quality.

- Provide for public health and safety.

- Consider social and economic effects.

Resource concerns to be addressed include lands and access, minerals, soils, water resources, wilderness study areas, air quality, vegetation, wildlife, special status species, livestock grazing, cultural and paleontological resources, recreation, visual resources, and social and economic conditions.

Dated: October 8, 1998.

Josie Banegas,

Acting Field Manager, Las Cruces.

[FR Doc. 98-27640 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-VC-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service (MMS).

ACTION: Notice to rescind notice to lessees and operators (NTL) 98-11N.

SUMMARY: This notice announces our decision to rescind NTL 98-11N, Guidelines for Suspension of Production Due to Uneconomic Market Conditions.

DATES: NTL 98-11N is rescinded effective on January 13, 1998.

FOR FURTHER INFORMATION CONTACT: E. P. Danenberger at (703) 787-1600.

SUPPLEMENTARY INFORMATION: We are in the process of updating our NTLs to reflect current technologies, correct regulatory citations, and include a statement on the Paperwork Reduction Act of 1995. In most instances we are not changing the requirements and information in the superseded NTLs. During this process we updated NTL 92-1N, "Guidelines for Application for Suspension of Production Due to Uneconomic Market Conditions" and superseded it by NTL 98-11N.

The superseded NTL 92-1N was developed in 1992 and was issued under the authority of 30 CFR 250.110(a)(5) which states, "To avoid continued operations which would result in premature abandonment of a producing well(s) or would not be economic." We have reviewed our policy in NTL 98-11N and determined that the regulations in 30 CFR 250.110 are sufficient to prevent premature abandonment of producing wells.

We expect lessees to diligently manage their leases by exploring, developing, and commencing production within the primary term. We will only grant SOPs for a lease when the lessee commits to production and provides a reasonable schedule of activities including measurable milestones. We will not grant suspensions for nonproducing leases solely to wait for uncertain economic or technological conditions to improve.

Based on this policy, NTL 98-11N is officially rescinded effective January 13, 1998, and no further SOPs will be approved under this NTL after that date. All currently approved SOPs will remain in effect until their specified expiration date or production begins, whichever occurs first.

For your reference, on February 13, 1998, we published a Notice of Proposed Rulemaking (63 FR 7335), titled "Postlease Operations Safety,"

revising the entire 30 CFR 250, subpart A. The proposed rule was subsequently corrected in a notice on March 9, 1998 (63 FR 11385). The comment period was extended once and closed on July 17, 1998. The current § 250.110 on suspension of production or other operations was renumbered § 250.119 in the proposed rule. Our regulatory policy on suspensions of production or operations will be reflected in the 30 CFR 250, subpart A, final rule.

The collection of information we refer to in this notice is authorized under 30 CFR 250, subpart A. The Paperwork Reduction Act of 1995 requires us to inform you that the Office of Management and Budget (OMB) has approved the information collection requirements in these regulations and assigned OMB control number 1010-0030.

Dated: October 8, 1998.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 98-27586 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-MR-U

DEPARTMENT OF THE INTERIOR

National Park Service

Draft Environmental Impact Statement/General Management Plan Redwood National and State Parks, California; Notice of Extension of Public Comment Period

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190 as amended), the National Park Service, Department of the Interior, has prepared a Draft Environmental Impact Statement (DEIS) assessing four alternatives for, and potential impacts of, a proposed General Management Plan for Redwood National Park, California. In deference to public interest expressed to date from local governmental agencies, organizations, and other interested parties, the public comment period has been extended an additional month through November 8, 1998.

SUPPLEMENTARY INFORMATION: Redwood National and State Parks are jointly managed. In addition to the DEIS, a draft Environmental Impact Report/General Plan was prepared concurrently. Copies of the documents and a 15-page summary can be reviewed at local libraries or park offices in Arcata, Orick, and Crescent City; internet access is available at "<http://www.nps.gov/planning/redw/dgmp/redwdgmp.htm>". A limited number of

copies may still be available upon phone request at (707) 464-6101.

All comments on the draft documents must now be transmitted or post-marked not later than November 8, 1998, and should be directed to the Superintendents, Redwood National and State Parks, 1111 Second St., Crescent City, CA 95531; or in care of "Redwplan@nps.gov".

Dated: October 8, 1998.

Patricia L. Neubacher,

Acting Regional Director, Pacific West.

[FR Doc. 98-27647 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Long-Term Contract Renewal, Central Valley Project, California

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement and notice of meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), the Bureau of Reclamation (Reclamation) proposes to prepare environmental documents for the purpose of renewing existing long-term and interim contracts for the Central Valley Project, California. Specific quantities of water to be in the renewal contracts will be subject to a needs assessment.

At present, it is not clear whether the scope of the action and anticipated project impacts will require preparation of an environmental impact statement (EIS) instead of an environmental assessment (EA). However, to ensure a timely and appropriate level of NEPA compliance and limit potential future delays to the project schedule, Reclamation is proceeding, at this time, as if the project impacts would require preparation of an EIS. Reclamation will reevaluate the need for an EIS after obtaining written and oral comments on project alternatives and impacts during the scoping process. Reclamation will publish a notice of cancellation if, as a result of scoping, a decision is made to prepare an EA rather than an EIS.

DATES: See **SUPPLEMENTARY INFORMATION** Section for meeting dates.

ADDRESSES: Written comments on the project scope of the environmental document(s) may be submitted by December 11, 1998, and sent to Mr. Alan R. Candlish, Bureau of Reclamation, 2800 Cottage Way.

Attention: MP-120, Sacramento CA 95825

FOR FURTHER INFORMATION CONTACT: Mr. Alan R. Candlish, Bureau of Reclamation, 2800 Cottage Way. Attention: MP-120, Sacramento CA 95825, telephone: 916/978-5190 or Ms. Donna Tegelman, Bureau of Reclamation, 2800 Cottage Way. Attention: MP-440, Sacramento CA 95825, telephone: 916/978-5250 (TDD 978-5608).

SUPPLEMENTARY INFORMATION: Section 3404(c) of the Central Valley Project Improvement Act authorizes renewal of existing long-term water service contracts for 25 years after appropriate environmental review including the completion of a Programmatic Environmental Impact Statement (PEIS) required under Section 3409. A draft PEIS was released on November 7, 1998, with an extended comment period closing April 17, 1998. A final PEIS is scheduled for release in June 1999. The additional environmental document(s) for contract renewal will tier off of the final PEIS.

The long-term contract renewal environmental document(s) will be prepared on a regional basis. The specific regions will be determined following scoping. The different service areas of the CVP that will be evaluated include: Shasta/Trinity Division including Cow Creek and Clear Creek South Units; portions of the Sacramento River Division including Corning Canal, Tehama-Colusa Canal and Feather River Water District; American River Division including Folsom Unit, Sly Park Unit, and Auburn-Folsom South Unit; Delta Division including Contra Costa and Delta-Mendota Canals; San Luis Unit; San Felipe Division; Friant Division; and miscellaneous other CVP service areas that are served by New Melones, Hidden, and Buchanan Reservoirs and Cross Valley Canal. Individual service areas may be combined together in one document if they have related issues.

Meetings

Seven scoping meetings will be held to solicit comments from interested parties to assist in determining the scope of the environmental analysis and to identify the significant issues related to this proposed action, including issues related to negotiations. The meetings will be held on the following dates at the specified locations:

- Monday, November 2, 1998, at 7:00 p.m. at the: Waterfront Plaza Hotel, 10 Washington Street, Oakland, California, 510/836-3800.
- Thursday, November 5, 1998, at 7:00 p.m. at the: Las Molinas VFW, 7980

Sherwood Blvd, Las Molinas, California, 530/384-2759.

- Monday, November 9, 1998, at 7:00 p.m. at the: Sheraton Smugglers Inn, 3737 North Blackstone Ave, Fresno, California, 209/226-2110.
- Tuesday, November 10, 1998, at 7:00 p.m. at the: Granzellas Hotel, 391 Sixth Street, Williams, California, 530/473-3310.
- Monday, November 16, 1998, at 7:00 p.m. at the: Sacramento Inn, 1401 Arden Way, Sacramento, California, 916/922-8041.
- Wednesday, November 18, 1998, at 7:00 p.m. at the: Forest Park Inn, 375 Leadvlesley Road, Gilroy, California, 408/848-5144.
- Thursday, November 19, 1998, at 7:00 p.m. at the: Double Tree Inn, 1150 Ninth Street, Modesto, California, 209/526-6000.

Special Services

A headphone device for the hearing impaired will be available at the meetings. Persons requiring other special services should contact Alisha Sterud at 916/978-5190. Please notify this office as far in advance of the meetings as possible, but no later than 3 working days prior to the particular meeting to enable Reclamation to secure the needed services. If a request cannot be honored, the requester will be notified.

Dated: October 8, 1998.

Michael Jackson,

Acting Deputy Regional Director.

[FR Doc. 98-27639 Filed 10-14-98; 8:45 am]

BILLING CODE 4310-94-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-410]

Certain Coated Optical Waveguide Fibers and Products Containing Same; Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Consent Order; Issuance of Consent Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting the private parties' joint motion to terminate the above-captioned investigation on the basis of a consent order.

FOR FURTHER INFORMATION: Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3098.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on a complaint by Corning, Inc. ("Corning") alleging that Chromatic Technologies, Inc., ("CTI") and Plasma Optical Fibre, B.V. ("POF") had violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling in the United States after importation certain coated optical waveguide fibers that infringe claim 1 of Corning's U.S. Letters Patent 4,792,347. On July 17, 1998, the Commission determined not to review an ID adding Yangtze Optical Fiber and Cable Company, Ltd. ("YOFC") as a respondent.

On August 21, 1998, complainant Corning and respondents CTI, POF, and YOFC filed a joint motion to terminate the investigation by consent order. The Commission investigative attorney stated she would support the joint motion if an executed copy of the consent order stipulation was filed. An executed copy of the consent order stipulation was later filed.

On September 10, 1998, the presiding administrative law judge ("ALJ") issued an ID (Order No. 9) terminating the investigation on the basis of the proposed consent order. No party petitioned for review of the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.42, 19 CFR 210.42. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

By order of the Commission.

Issued: October 6, 1998.

Donna R. Koehnke,

Secretary.

[FR Doc. 98-27683 Filed 10-14-98; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-383 (Preliminary) and Investigation No. 731-TA-805 (Preliminary)]

Elastic Rubber Tape From India

Determination

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission determines,² pursuant to section 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1671b(a) and 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from India of elastic rubber tape, provided for in subheading 4008.21.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of India and sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigations under section 703(b) or 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in these investigations under section 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 207.2(f)).

² Commissioner Askey dissenting.

Background

On August 18, 1998, a petition was filed with the Commission and the Department of Commerce by Fulflex, Inc., Middletown, RI; and two subsidiaries of M-Tec Corp., Elastomer Technologies Group, Inc., Stuart, VA, and RM Engineered Products, Inc., North Charleston, SC, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and LTFV imports of elastic rubber tape from India. Accordingly, effective August 18, 1998, the Commission instituted countervailing duty investigation No. 701-TA-383 (Preliminary) and antidumping investigation No. 731-TA-805 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 25, 1998 (63 FR 45255). The conference was held in Washington, DC, on September 8, 1998, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on October 2, 1998. The views of the Commission are contained in USITC Publication 3133 (October 1998), entitled "Elastic Rubber Tape from India: Investigation No. 701-TA-383 (Preliminary) and Investigation No. 731-TA-805 (Preliminary)."

Issued: October 5, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 98-27682 Filed 10-14-98; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Import Investigations; Five Year Reviews Termination

Steel Jacks from Canada (AA1921-49 (Review))
Fish Netting of Manmade Fiber From Japan (AA1921-85 (Review))
Large Power Transformers From France, Italy, and Japan (AA1921-86-88 (Review))
Bicycle Speedometers From Japan (AA1921-98 (Review))
Canned Bartlett Pears From Australia (AA1921-110 (Review))

AGENCY: United States International Trade Commission.

ACTION: Termination of five-year reviews.

SUMMARY: On July 6, 1998, the Department of Commerce and the Commission began the subject five-year reviews to determine whether revocation of the existing antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to a domestic industry (63 FR 36389). On October 5, 1998, the Department of Commerce notified the Commission that it was revoking the orders in the subject reviews because no domestic interested party responded to its notice of initiation by the applicable deadline (63 FR 54441, October 9, 1998). Accordingly, pursuant to section 207.69 of the Commission's Rules of Practice and Procedure (19 CFR § 207.69), the subject reviews are terminated.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202-205-3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR 207.69).

Issued: October 9, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 98-27684 Filed 10-14-98; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation and Liability Act; Akzo Coatings, Inc., et al.

Notice is hereby given that on September 30, 1998 three proposed Consent Decrees ("Decrees") in *United*

States v. Akzo Coatings, Inc., et al, Civil Action No. 98-WM-2109, were lodged with the United States District Court for the District of Colorado. The United States filed this action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9601, et seq., to recover the past response costs incurred at or in connection with the Chemical Handling Site in Jefferson County, Colorado.

The proposed Consent Decrees resolve claims against: Akzo Nobel Coatings, Inc., Alaska Railroad Corporation, Allied Barrel & Container, Inc., Alumax Mill Products, Inc., Eaton Corporation, Elamex S.A. De C.V., Honeywell, Inc., Kawneer Company, Inc., Landstar Ligon, Inc., Louisiana-Pacific Corporation, Microsemi Corporation—Colorado, No-Putts, Inc. Pel-Freez Rabbit Meat, Inc., Rock-Tenn Company, Rock-Tenn Company of Arkansas, Todd Shipyards Corporation, Western Forge Corporation, and Weyerhaeuser Company, Inc. This proposed Consent Decrees recover response costs of \$1,542,848.91. The Decrees also settle potential claims against the United States at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer, to *United States v. Akzo Coatings, Inc., et al*, Civil Action No. 98-WM-2109, and D.J. Ref. #90-7-1-666/1.

The Decrees may be examined at the United States Department of Justice, Environment and Natural Resources Division, Denver Field Office, 999 18th Street, North Tower Suite 945, Denver, Colorado, 80202 and the U.S. EPA Region VIII, 999 18th Street, Superfund Records Center, Suite 500, Denver, CO 80202, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, DC 20005, (202) 624-0892. A copy of the Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$18.75 for the Decrees (25 cents per page reproduction

cost) payable to the Consent Decree Library.

Walker B. Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98-27692 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act; Calaveras Cement Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Calaveras Cement Company*, No. CIVF-97-5418-OWW, was lodged on October 1, 1998 with the United States District Court for Eastern District of California.

The consent decree settles claims for civil penalties and injunctive relief against Calaveras Cement Company ("Calaveras") under the Clean Air Act. The complaint alleges: (1) that Calaveras violated the Prevention of Significant Deterioration ("PSD") regulations, 40 CFR 52.21, as incorporated in the applicable State Implementation Plan ("SIP"), by failing to undergo PSD review prior to obtaining an Authority to Construct permit for a "major modification" of its facility, (2) that, in the alternative, Calaveras violated the emissions limits for nitrogen oxides ("NO_x") in an permit issued by the Kern County Air Pollution Control District for a minor modification, (3) that Calaveras violated Subpart F of the New Source Performance Standards ("NSPS"), 40 CFR Part 60, by failing to submit timely continuous emissions monitoring ("CEM") data for emissions from its kiln and clinker cooler and by exceeding the emissions limits for particulate matter on three occasions, and (4) that Calaveras violated Subpart Y (as well as Subpart A) of the NSPS, 40 C.F.R. Part 60, by failing to conduct a timely performance test on its coal preparation plant.

Pursuant to the consent decree Calaveras will pay a civil penalty of \$222,000 and will operate under interim emission limits set forth in the consent decree until Calaveras' application for a federally approved permit has been resolved.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and

Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Calaveras Cement Company*, DOJ Ref. #90-5-2-1920.

The proposed consent decree may be examined at the office of the United States Attorney, for the Eastern District of California, 1130 "O" Street, Room 3654, Fresno, CA 93721 (209) 498-7272; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$5.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

*Chief, Environmental Enforcement Section,
Environmental and Natural Resources
Division.*

[FR Doc. 98-27690 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act; ConAgra, Inc.

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed consent decree in *United States v. ConAgra, Inc.*, Civil Action No. CIV96-0134-S-LMB, was lodged on October 1, 1998 with United States District Court for the District of Idaho. The United States of America ("United States"), on behalf of the United States Environmental Protection Agency, has filed a civil Amended Complaint pursuant to Section 309 (b) and (d) of the Federal Water Pollution Control Act, as amended (the "CWA" or the "Act"), 33 U.S.C. 1319 (b) and (d), and a January 26, 1998 Notice of Corrections to the Amended Complaint. In the Amended Complaint modified by a January 26, 1998 Notice of Corrections, the United States alleges that the Defendant, ConAgra, Inc., violated the Clean Water Act and the terms and conditions of National Pollutant Discharge Elimination System permits at the Armour Fresh Meats Company of Nampa, Idaho, beef slaughterhouse and concentrated animal feeding operation located at Railroad Road and Amity, Nampa, Idaho ("Facility").

The proposed consent decree provides that the Defendant shall pay to the United States \$1,000,000 in civil penalties. In addition, the proposed consent decree requires ConAgra to cease all land application of wastes at the Facility for so long as a CAFO and/or slaughterhouse is operated at the Facility, close its existing wastewater treatment ponds and construct a new wastewater treatment pond(s), and implement a Supplemental Environmental Project, which requires ConAgra to remove cattle from its CAFO and cease all use of its CAFO to reduce the potential sources of pollutants to the surface waters.

The proposed consent decree settles all civil claims against ConAgra for violations of the CWA at ConAgra's Facility alleged in the Amended Complaint, as modified by the January 26, 1998 Notice of Corrections, that occurred prior to the date of lodging of this Consent Decree, including alleged violations of effluent limitations in ConAgra's NPDES permits, violations of monitoring, reporting and records requirements in ConAgra's NPDES permits, and unauthorized discharges of pollutants to surface waters via french drains, soils and hydrologically-connected groundwater.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. ConAgra, Inc.*, DOJ Ref. 90-5-1-1-4284.

The proposed consent decree can be examined at the Office of the United States Attorney, District of Idaho, 877 West Main, Suite 201, Boise, Idaho 83707; the Region 10, Idaho Office of the Environmental Protection Agency, 1435 N. Orchard Street, Boise, Idaho 83706; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$10.50 (25 cents per page reproduction

costs) payable to the Consent Decree Library.

Joel Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*

[FR Doc. 98-27695 Filed 10-13-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act and Resource Conservation and Recovery Act; Lake Geneva Associates, et al.

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that on September 30, 1998 a proposed Consent Decree in *United States v. Lake Geneva Associates, et al.*, Civil Action No. 98-C-0972, was lodged with the United States District Court for the Eastern District of Wisconsin.

The Consent Decree resolves certain claims of the United States against Lake Geneva Associates, Playboy Enterprises, and Marcus Geneva, Inc., under Sections 107(a) and 113(g)(2) of CERCLA, 42 U.S.C. 9607(a) and 9613(g)(2), at the former Southern Lakes Trap Skeet Club site ("the Site") near Lake Geneva in Walworth County, Wisconsin. The defendants have been named as either a former owner during the disposal of hazardous substances at, or the current owner of, the Site.

The settlement requires the settling defendants to make payment of \$925,000 for past response costs incurred by the U.S. Environmental Protection Agency in connection with the Site and of \$75,000 on behalf of the Department of the Interior and the U.S. Fish and Wildlife Service for natural resource damages. The Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107(a) of CERCLA and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973, for: (1) Response costs and actions associated with the EPA removal action at the Site; (2) natural resource damages resulting from shooting activities at or from the Site; and, (3) any and all claims by the United States for violations of the requirements of an EPA administrative order, Docket No. V-W-94-C.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, United

States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *United States v. Lake Geneva Associates, et al.*, Civil Action No. 98-C-0972, and the Department of Justice Reference No. 90-11-3-1063. Commenters may request an opportunity for a public hearing in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Wisconsin, 517 E. Wisconsin Ave., Room 530, Milwaukee, Wisconsin 53202; the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, telephone no. (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please refer to DJ #90-11-3-1063, and enclose a check in the amount of \$30.75 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 98-27689 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; Jerome Lightman, et al.

In accordance with Departmental policy 28 C.F.R. 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Jerome Lightman, et al.*, Civil Action No. 92-4710 (JBS), was lodged on October 2, 1998 with the United States District Court for the District of New Jersey.

The proposed Consent Decree embodies an agreement with 20 potentially responsible parties ("PRPs") at the Site to pay \$7.1 million in settlement of claims for EPA's past response costs at the Site. The payments made by the settlers will be used to reimburse past costs incurred at the Site.

The Consent Decree provides the settling defendants with a covenant not to sue for civil liability for EPA's past CERCLA response costs at the Site and

future oversight costs in connection with the settling defendants' performance of the remedy at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree.

Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, D.C. 20044-7611, and should refer to *United States v. Jerome Lightman, et al.*, DOJ Ref. No. 90-11-3-942A.

The proposed consent decree may be examined at the Office of the United States Attorney, U.S. Courthouse, Room 2070, 4th and Cooper Streets, Camden, New Jersey 08101; the Region II Office of the Environmental Protection Agency, Region II Records Center, 290 Broadway, 17th Floor, New York, NY 10007-1866; and at the Consent Decree Library, 1120 G Street, N.W., Fourth Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., Fourth Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$9.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

Deputy Chief, Environmental Enforcement
Section, Environment and Natural Resources
Division.

[FR Doc. 98-27694 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Solid Waste Disposal Act; Navajo Refining Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Navajo Refining Company*, Civil Action No. C93-860-M/WWD was lodged on September 22, 1998, with the United States District Court for the District of New Mexico. The Consent Decree requires defendant Navajo Refining Company ("NRC"), a private company not affiliated with the Navaho Indian Nation, to upgrade the wastewater treatment system at its Artesia, New Mexico petroleum refinery, cease all discharges of refinery wastewater to the earthen evaporation ponds located three miles northeast of the refinery, adopt an alternate means of

disposing of the refinery's wastewater approved by the United States Environmental Protection Agency and the New Mexico Department of the Environment, and pay a civil penalty of \$1.75 million.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Navajo Refining Company*, DOJ Ref. #90-7-1-723.

The proposed consent decree may be examined at the office of the United States Attorney, P.O. Box 607, Albuquerque, NM 87103; the Region 6 Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, TX 75202, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$10.25 for the consent decree, and \$4.00 for the attachments (25 cents per page reproduction costs), payable to the Consent Decree Library.

Walker B. Smith,

Deputy Chief, Environmental Enforcement
Section, Environment and Natural Resources
Division.

[FR Doc. 98-27691 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; North American Galvanizing Co., et al.

In accordance with Departmental policy, 28 CFR 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that two proposed consent decrees in *United States v. North American Galvanizing Co., et al.*, Civil Action No. 98-1200, were lodged with the United States District Court for the Eastern District of Pennsylvania on September 30, 1998.

The proposed consent decrees pertain to the Boyles Galvanizing Superfund Site ("Site"), located in the City and County of Philadelphia, Pennsylvania. They resolve the claims of the plaintiff, the United States of America, filed

against defendants, North American Galvanizing Co. and Boyles Galvanizing Co. (collectively referred to herein as the "NAGC Defendants"), and Gustav Propper and All Real Property Located at and Comprising 2501-2527 East Cumberland Street, Philadelphia County, Pennsylvania (collectively referred to herein as the "Propper Defendants"), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*

The consent decrees require the NAGC defendants to make a total payment of \$264,161.16 in removal costs in four installments over a three year period plus interest and to relinquish any claims they may have against the United States. The consent decrees also require the Propper Defendants to sell the property which consists of the Boyles Galvanizing Superfund Site for a minimum sales price of \$108,000 within 60 days of the entry of the consent decree and to provide 60% of the sales proceeds (\$64,800) to the United States at the time of closing. The consent decrees also include covenants not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9601 *et seq.*, and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973, and provide the defendants with contribution protection.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and to the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106, and should refer to *United States v. North American Galvanizing Co., et al.*, Civil Action No. 98-1200, USAO No. 199V02292, DOJ Ref. #90-11-2-1330. Anyone making comments may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decrees may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106, the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202)

624-0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$8.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*

[FR Doc. 98-27693 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in Comprehensive Environmental Response, Compensation and Liability Act Cost Recovery Action; Occidental Chemical Corp. et al.

In accordance with the Departmental Policy, 28 C.F.R. 50.7, notice is hereby given that a Consent Decree in *United States v. Occidental Chemical Corp. et al.*, Civil Action No. 98-CV-5169 was lodged with the United States District Court for the Eastern District of Pennsylvania on September 29, 1998. This Consent Decree resolves the United States' claims against Occidental Chemical Corp., Clean Harbors of Cleveland, Inc., Congoleum Corp., Esschem, Inc., NRM Investment, Inc., Worthington Steel Corp., Valley Forge Sewer Authority, West Goshen Township, Borough of West Chester, Borough of Downingtown, Unisys Corporation, Westcode, Inc., Whitford Corp., Wyeth Laboratories, USA Waste of Delaware, as a successor to Harvey & Harvey ("Settling Defendants"), under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607(a), for response costs incurred at the Strasburg Landfill Superfund Site in Newlin Township, PA. The Consent Decree requires the Settling Defendants to pay \$2.5 million in reimbursement of response costs relating to the Strasburg Landfill cleanup.

The Department of Justice will accept written comments on the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States v. Occidental Chemical Corp. et al.*, DOJ No. 90-11-3-962B.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106; Region III Office of EPA, 1650 Arch Street, Philadelphia, PA 19103; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. When requesting a copy of the proposed Consent Decree, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "Consent Decree Library" in the amount of \$12.00, and please reference *United States v. Occidental Chemical Corp. et al.* DOJ No. 90-11-3-962B.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division,
U.S. Department of Justice.*

[FR Doc. 98-27696 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Request OMB Emergency Approval; Telephone Verification System (TVS) Phase II Pilot Non-Citizen Employees Employment Status Report.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted an emergency information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with § 1320.13(a)(1) of the Paperwork Reduction Act of 1995. The INS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. Therefore, OMB approval has been requested by October 16, 1998. If granted, the emergency approval is only valid for 180 days. ALL comments and/or questions pertaining to this pending request for emergency approval MUST be directed to OMB, Office of Information and Regulatory Affairs, Attention: Mr. Stuart Shapiro, 202-395-7316, Department of Justice Desk Officer, Washington, DC 20503. Comments regarding the emergency

submission of this information collection may also be submitted via facsimile to Mr. Shapiro at 202-395-6974.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, the INS requests written comments and suggestions from the public and affected agencies concerning this the information collection. Comments are encouraged and will be accepted until December 14, 1998. During the 60-day regular review, ALL comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information collection instrument with instructions, should be directed to Mr. Richard A. Sloan, 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement without change of previously approved information collection.

(2) *Title of the Form/Collection:* Telephone Verification System (TVS), Phase II Pilot Non-Citizen Employees Employment Status Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form Number

SAVE Branch, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This information will be used by the INS to determine the number of non-citizen employees who are authorized for employment in the United States as a result of the Telephone Verification System Phase II Pilot Project. The users of the Telephone Verification System are various employers throughout the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 276,000 queries at approximately 7 minutes per response; and 1,000 employers responding to MOU at approximately 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 33,516 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: October 8, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98-27588 Filed 10-14-98; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8681-MLA-4; ASLBP No. 98-748-03-MLA]

Atomic Safety and Licensing Board Panel; International Uranium (USA) Corporation (Receipt of Material From Tonawanda, NY); Material License Amendment; Memorandum and Order (Notice of Opportunity for a Hearing)

Before Administrative Judges:

Peter B. Bloch, Presiding Officer
Richard F. Cole, Special Assistant

Pursuant to the Presiding Officer's Memorandum and Order of September 1, 1998, the petition for a hearing of the State of Utah has been granted. This proceeding will be conducted pursuant to 10 CFR Part 2, Subpart L, which requires written presentations. The State alleges that the Ashland 2 materials permitted to be shipped to International Uranium (USA) Corporation contain hazardous waste and that its handling and disposal could violate applicable

law and could harm wildlife and natural resources, including ground and surface water. A person whose interest may be affected, including a State, county, municipality or an agency thereof, may file a request to participate within 30 days. See 10 CFR 2.1205(e, j, k).

Dated: October 8, 1998.

Peter B. Bloch,

Administrative Judge, Presiding Officer.

[FR Doc. 98-27659 Filed 10-14-98; 8:45 am]

BILLING CODE 7590-01-U

NUCLEAR REGULATORY COMMISSION

[Docket No. 55-32442-SP; ASLBP No. 99-753-01-SP]

Shaun P. O'Hern; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.1207 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

Shaun P. O'Hern (Denial of Reactor Operator's License Application)

The hearing, if granted, will be conducted pursuant to 10 CFR Subpart L of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a denial by NRC Staff of Mr. O'Hern's reactor operator's license application and Mr. O'Hern's request for a hearing pursuant to 10 CFR Section 2.103.

The Presiding Officer in this proceeding is Administrative Judge Peter B. Bloch. Pursuant to the provisions of 10 CFR 2.722, the Presiding Officer has appointed Administrative Judge Richard F. Cole to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bloch and Judge Cole in accordance with CFR § 2.701. Their addresses are: Administrative Judge Peter B. Bloch, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Richard F. Cole, Special Assistant,
Atomic Safety and Licensing Board
Panel, U.S. Nuclear Regulatory
Commission, Washington, D.C. 20555.

Issued at Rockville, Maryland, this 8th day
of October 1998.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety
and Licensing Board Panel.

[FR Doc. 98-27658 Filed 10-14-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of
Sections 29 and 182b. of the Atomic
Energy Act (42 U.S.C. 2039, 2232b), the
Advisory Committee on Reactor
Safeguards will hold a meeting on
November 4-7, 1998, in Conference
Room T-2B3, 11545 Rockville Pike,
Rockville, Maryland. The date of this
meeting was previously published in
the **Federal Register** on Thursday,
November 20, 1997 (62 FR 62079).

Wednesday, November 4, 1998

**1:00 P.M.-1:15 P.M.: Opening
Remarks by the ACRS Chairman**
(Open)—The ACRS Chairman will make
opening remarks regarding conduct of
the meeting.

**1:15 P.M.-3:15 P.M.: Proposed Rule
on the Use of Revised Source Term at
Operating Plants/Pilot Application of
Revised Source Term at the Perry
Nuclear Plant** (Open)—The Committee
will hear presentations by and hold
discussions with representatives of the
NRC staff regarding the proposed rule
on the use of revised source term at
operating plants and insights gained
from the pilot application of the revised
source term at the Perry Nuclear Power
plant.

**3:30 P.M.-5:00 P.M.: Assessment of
Pressurized Water Reactor (PWR)
Primary Systems Leaks** (Open)—The
Committee will hear presentations by
and hold discussions with
representatives of the NRC staff and its
contractor regarding results of the study
on the PWR primary system leaks.

**5:15 P.M.-7:00 P.M.: Preparation of
ACRS Reports** (Open)—The Committee
will discuss several proposed ACRS
reports, including: Annual Report to
Congress on the NRC Safety Research
Program; Proposed Resolution of
Generic Safety Issue 171, "Engineered
Safety Features Failure for Loss of
Offsite Power Subsequent to a Loss-of-
Coolant Accident;" Lessons Learned
from the Review of the AP600 Passive

Plant Design; Evaluation of the Impact
of Hydrogen Recombiner Operation on
Plant Risk; and Development of Risk
Status for Nuclear Plants Seeking
Significant Power Uprates.

Thursday, November 5, 1998

**8:30 A.M.-8:35 A.M.: Opening
Remarks by the ACRS Chairman**
(Open)—The ACRS Chairman will make
opening remarks regarding the conduct
of the meeting.

**8:35 A.M.-10:00 A.M.: Options to
Revise the Enforcement Policy** (Open)—
The Committee will hear presentations
by and hold discussions with
representatives of the NRC staff
regarding the options developed by the
NRC staff to revise the enforcement
policy.

**10:15 A.M.-11:45 A.M.: NRC Staff's
Evaluation of the Westinghouse Owners
Group Topical Report on Risk-Informed
Inservice Inspection of Piping** (Open)—
The Committee will hear presentations
by and hold discussions with
representatives of the NRC staff
regarding the staff's evaluation of the
Westinghouse Owners Group topical
report on risk-informed inservice
inspection of piping at nuclear power
plants, as well as the results of the
associated pilot applications.

**12:45 P.M.-3:15 P.M.: Discussion of
Items for Meeting with the Commission**
(Open)—The Committee will discuss
anticipated items for the ACRS meeting
with the NRC Commissioners. [Note:
The Commission has not yet approved
the topics for this meeting.]

**3:30 P.M.-7:00 P.M.: Preparation of
ACRS Reports** (Open)—The Committee
will discuss proposed ACRS reports.

Friday, November 6, 1998

**8:30 A.M.-8:35 A.M.: Opening
Remarks by the ACRS Chairman**
(Open)—The ACRS Chairman will make
opening remarks regarding conduct of
the meeting.

**8:35 A.M.-10:00 A.M.: Inspection
Procedures for Graded Quality
Assurance** (Open)—The Committee will
hear presentations by and hold
discussions with representatives of the
NRC staff regarding the NRC inspection
procedures for evaluating the
effectiveness of the licensee's graded
quality assurance programs.

**10:15 A.M.-11:45 A.M.: Salem
Nuclear Plant Units 1 and 2** (Open)—
The Committee will hear presentations
by and hold discussions with
representatives of the licensee of the
Salem Nuclear Plant Units 1 and 2 and
the NRC staff regarding the issues that
lead to the shut down of Salem Units 1
and 2, resolution of issues prior to
restart, regulatory requirements

currently being implemented by the
licensee, the current status of the plant,
and other related matters.

**12:45 P.M.-1:45 P.M.: Report of the
Planning and Procedures Subcommittee**
(Open/Closed)—The Committee will
hear a report of the Planning and
Procedures Subcommittee on matters
related to the conduct of ACRS
business, follow-up matters resulting
from the quadripartite meeting held on
October 5-9, 1998, and organizational
and personnel matters relating to the
ACRS, including qualifications of
candidates for ACRS membership.
[Note: A portion of this session may be
closed to discuss organizational and
personnel matters that relate solely to
the internal personnel rules and
practices of this Advisory Committee,
and information the release of which
would constitute a clearly unwarranted
invasion of personal privacy.]

**1:45 P.M.-2:30 P.M.: Future ACRS
Activities** (Open)—The Committee will
discuss the recommendations of the
Planning and Procedures Subcommittee
regarding items proposed for
consideration by the full Committee
during future meetings.

**2:45 P.M.-3:00 P.M.: Reconciliation of
ACRS Comments and
Recommendations** (Open)—The
Committee will discuss the responses
from the NRC Executive Director for
Operations (EDO) to comments and
recommendations included in recent
ACRS reports. The EDO's responses are
expected prior to the meeting.

**3:00 P.M.-7:00 P.M.: Preparation of
ACRS Reports** (Open)—The Committee
will continue its discussion of proposed
ACRS reports.

Saturday, November 7, 1998

**8:30 A.M.-3:00 P.M.: Preparation of
ACRS Reports** (Open)—The Committee
will continue its discussion of proposed
ACRS reports.

3:00 P.M.-3:30 P.M.: Miscellaneous
(Open)—The Committee will discuss
matters related to the conduct of
Committee activities and matters and
specific issues that were not completed
during previous meetings, as time and
availability of information permit.

Procedures for the conduct of and
participation in ACRS meetings were
published in the **Federal Register** on
September 29, 1998 (63 FR 51968). In
accordance with these procedures, oral
or written views may be presented by
members of the public, including
representatives of the nuclear industry.
Electronic recordings will be permitted
only during the open portions of the
meeting and questions may be asked
only by members of the Committee, its
consultants, and staff. Persons desiring

to make oral statements should notify Mr. Sam Duraiswamy, Chief of the Nuclear Reactors Branch, at least five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman.

Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief of the Nuclear Reactors Branch prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Chief of the Nuclear Reactors Branch if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Public Law 92-463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Mr. Sam Duraiswamy, Chief of the Nuclear Reactors Branch (telephone 301/415-7364), between 7:30 A.M. and 4:15 P.M. EDT.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the internet at <http://www.nrc.gov/ACRSACNW>.

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician, (301-415-8066) between 7:30 a.m. and 3:45 p.m. Eastern Time at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: October 8, 1998.

Annette Vietti-Cook,

Acting Advisory Committee Management Officer.

[FR Doc. 98-27655 Filed 10-14-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Joint Meeting of the ACRS Subcommittees on Reliability and Probabilistic Risk Assessment and on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittees on Reliability and Probabilistic Risk Assessment and on Regulatory Policies and Practices will hold a meeting on October 29 and 30, 1998, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, October 29, 1998-8:30 a.m. until the conclusion of business.

Friday, October 30, 1998-8:30 a.m. until the conclusion of business.

The Subcommittees will continue its discussion of proposed options to make 10 CFR Part 50 risk-informed, Nuclear Energy Institute (NEI) Whole Plant Study, and options for developing a risk-informed approach to revising 10 CFR 50.59. The Subcommittees will also review the staff's safety evaluation report for the Westinghouse Owners Group topical report on risk-informed inservice inspection of piping at nuclear power plants, as well as the results of the associated pilot applications. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with

any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Michael T. Markley (telephone 301/415-6885) between 7:30 a.m. and 4:15 p.m.(EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Date: October 7, 1998.

Sam Duraiswamy,

Chief Nuclear Reactors Branch.

[FR Doc. 98-27657 Filed 10-14-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

State of Arkansas Relinquishment of Sealed Source and Device Evaluation and Approval Authority and Reassumption by the Commission

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of reassumption of sealed source and device evaluation and approval authority from the State of Arkansas.

SUMMARY: Notice is hereby given that effective October 1, 1998, the Nuclear Regulatory Commission reassumed regulatory authority for sealed source and device evaluations and approvals in the Agreement State of Arkansas in response to a request from the Governor of the State of Arkansas to relinquish this authority.

EFFECTIVE DATE: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd A. Bolling, Jr., Agreement State Project Officer, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-2327, Internet: LAB@NRC.GOV.

SUPPLEMENTARY INFORMATION: Currently, the State of Arkansas has an Agreement with the Nuclear Regulatory Commission (NRC) which grants the

State authority to regulate specific categories of radioactive materials formerly regulated by the NRC. This Agreement was entered into on July 1, 1963, pursuant to Section 274b of the Atomic Energy Act of 1954, as amended.

The NRC received a letter from Arkansas Governor Mike Huckabee dated July 1, 1998 requesting relinquishment of the State's authority to evaluate and approve sealed source and devices, and reassumption of this authority by the NRC. The requested action would involve reassertion of regulatory authority by NRC over activities currently regulated by Arkansas pursuant to its Agreement with NRC.

The Governor indicated that specific requests for the Arkansas Radiation Control Program to perform SS&D evaluations had been few (three requests) since Arkansas became an Agreement State in 1963. He further indicated that no requests for SS&D evaluations were anticipated. The Governor stated that Arkansas is committed to maintaining a high quality regulatory program for radioactive materials. He also indicated that it would be difficult to maintain high quality in an extremely small and unique program area that demands atypical expertise on an infrequent basis and the State could not justify the resources required to perform the evaluations. Based on this, the State requests to relinquish its authority to perform sealed source and device evaluations.

The Commission has agreed to the request and has notified Arkansas that effective October 1, 1998 the NRC reassumed authority to evaluate and approve sealed source and devices within the State of Arkansas. The State of Arkansas will retain authority to regulate the manufacture and use of sealed sources and devices within the State in accordance with its Section 274b Agreement with the NRC.

Dated at Rockville, Maryland this 8th day of October, 1998.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Acting Secretary of the Commission.

[FR Doc. 98-27656 Filed 10-14-98; 8:45 am]

BILLING CODE 7590-01-P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (<http://www.pbgc.gov>).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in October 1998. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in November 1998. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the fourth quarter (October through December) of 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the "applicable percentage" (described in the statute and the regulation) of the annual yield on 30-year Treasury

securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

For plan years beginning before July 1, 1997, the applicable percentage of the 30-year Treasury yield was 80 percent. The Retirement Protection Act of 1994 (RPA) amended ERISA section 4006(a)(3)(E)(iii)(II) to change the applicable percentage to 85 percent, effective for plan years beginning on or after July 1, 1997. (The amendment also provides for a further increase in the applicable percentage—to 100 percent—when the Internal Revenue Service adopts new mortality tables for determining current liability.)

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in October 1998 is 4.42 percent (*i.e.*, 85 percent of the 5.20 percent yield figure for September 1998).

(Under section 774(c) of the RPA, the amendment to the applicable percentage was deferred for certain regulated public utility (RPU) plans for as long as six months. The applicable percentage for RPU plans has therefore remained 80 percent for plan years beginning before January 1, 1998. For "partial" RPU plans, the assumed interest rates to be used in determining variable-rate premiums can be computed by applying the rules in § 4006.5(g) of the premium rates regulation. The PBGC's 1997 premium payment instruction booklet also describes these rules and provides a worksheet for computing the assumed rate.)

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between November 1997 and October 1998. The rates for November and December 1997 in the table (which reflect an applicable percentage of 85 percent) apply only to non-RPU plans. However, the rates for months after December 1997 apply to RPU (and "partial" RPU) plans as well as to non-RPU plans.

For premium payment years beginning in:	The assumed interest rate is:
November 1997	5.38
December 1997	5.19
January 1998	5.09
February 1998	4.94
March 1998	5.01
April 1998	5.06
May 1998	5.03
June 1998	5.04
July 1998	4.85

For premium payment years beginning in:	The assumed interest rate is:
August 1998	4.83
September 1998	4.71
October 1998	4.42

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the fourth quarter (October through December) of 1998, as announced by the IRS, is 8 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From	Through	Interest rate (percent)
10/1/92	6/30/94	7
7/1/94	9/30/94	8
10/1/94	3/31/95	9
4/1/95	6/30/95	10
7/1/95	3/31/96	9
4/1/96	6/30/96	8
7/1/96	12/31/96	9
1/1/97	3/31/97	9
4/1/97	6/30/97	9
7/1/97	9/30/97	9
10/1/97	12/31/97	9
1/1/98	3/31/98	9
4/1/98	6/30/98	8
7/1/98	9/30/98	8
10/1/98	12/31/98	8

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For

interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates"). The rate for the fourth quarter (October through December) of 1998 (*i.e.*, the rate reported for September 15, 1998) is 8.50 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From	Through	Rate (percent)
10/1/92	6/30/94	6.00
7/1/94	9/30/94	7.25
10/1/94	12/31/94	7.75
1/1/95	3/31/95	8.50
4/1/95	9/30/95	9.00
10/1/95	3/31/96	8.75
4/1/96	12/31/96	8.25
1/1/97	3/31/97	8.25
4/1/97	6/30/97	8.25
7/1/97	9/30/97	8.50
10/1/97	12/31/97	8.50
1/1/98	3/31/98	8.50
4/1/98	6/30/98	8.50
7/1/98	9/30/98	8.50
10/1/98	12/31/98	8.50

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in November 1998 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 8th day of October 1998.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98-27661 Filed 10-14-98; 8:45 am]

BILLING CODE 7708-01-P

POSTAL SERVICE

Privacy Act of 1974, System of Records

AGENCY: Postal Service.

ACTION: Notice of system of records.

SUMMARY: This document publishes notice of a proposed Privacy Act system of records, USPS 300.010, Office of Inspector General (OIG) Investigative File System, which partially duplicates an existing Postal Inspection Service file.

DATES: Any interested party may submit written comments on the proposed system of records. This proposal will become effective without further notice on November 23, 1998, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Written comments on this proposal should be mailed or delivered to Payroll Accounting/Records, United States Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260-5243. Copies of all written comments will be available at the above address for public inspection and photocopying between 8 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kirt West (703) 248-2100.

SUPPLEMENTARY INFORMATION: The Postal Service is proposing to establish a system of records entitled Office of Inspector General (OIG) Investigative File System, 300.010. This proposed system of records will cover only the files of investigation which identify by name individuals who are subjects or sources of information. The system of records is necessary to the functions performed by the Office of Inspector General. The files may contain information about civil, criminal, or administrative wrongdoing, or about fraud, waste, or mismanagement, or other violations of law or regulation. This information could be the basis for administrative corrective action or referrals to appropriate authorities for prosecution. The collection and maintenance of records subject to this system are not new, because records of the same type are covered by an existing system, USPS 080.010, under the jurisdiction of the Chief Postal Inspector, who previously also served as the Inspector General. With the establishment of an independent Office of Inspector General, system of records 300.010 is created to cover the investigative activities carried out under the authority of the OIG and the records maintained by that office. A complete description of system 300.010 appears below.

Maintenance of these records is not expected to have a significant impact on individual privacy rights. Information will be kept in a secured environment, with automated data processing physical and administrative security and technical software applied to information on computer media. Computers and hard copy records are maintained in a secured environment.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report on the following proposed system has been sent to Congress and the Office of Management and Budget for their evaluation.

USPS 300.010

SYSTEM NAME:

Office of Inspector General-
Investigative File System, 300.010.

SYSTEM LOCATION:

Office of the Inspector General (OIG):
(1) Headquarters, and (2) respective OIG field offices (see **ADDRESSES** at end of system notice).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- (a) Subjects of investigations, unsolicited information, surveillance; complainants, informants, witnesses; and other individuals related to investigations.
- (b) Applicants and current and former Postal Service personnel and contractors and individuals providing information related to employment suitability checks on those individuals.
- (c) Applicants for and appointees to sensitive positions in the Postal Service and individuals providing information related to security clearance checks on those individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information within this system relates to OIG investigations carried out under applicable statutes, regulations, policies, and procedures. The investigations may relate to criminal, civil, or administrative matters, including personnel suitability and security clearance. Generally, investigative case files are physically located in the responsible OIG field office or at Headquarters. These files may contain investigative reports, background data including arrest records, statements of informants and witnesses, laboratory reports of evidence analysis, search warrants, summons and subpoenas, and other information related to the investigation. Personal data in the system may consist of fingerprints, handwriting samples, reports of confidential informants, physical

identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information. OIG database systems contain additional or summary duplicative case files and other information in support of investigations. In addition, OIG Headquarters and field offices maintain reference files and indexes, as needed, for quick access in day-to-day operations.

The specific authority for the OIG to investigate postal offenses and civil matters relating to the Postal Service is conferred at 39 U.S.C. 202(e)(1)-(3) and 404(a)(7); 18 U.S.C. 3061; and 5 U.S.C. App 3. In the exercise of that authority, the OIG conducts investigations under all appropriate federal statutes and administrative rules.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 202 and 404, 18 U.S.C. 3061, and 5 U.S.C. App. 3.

PURPOSE(S):

To provide information related to investigation of criminal, civil, or administrative matters, including employee and contractor background investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General routine use statements a, b, c, d, e, f, g, h, j, k, l, and m listed in the prefatory statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. When conducting any official investigation or during a trial or hearing or the preparation of a trial or hearing, a record may be disseminated to an agency, organization, or individual when reasonably necessary to elicit information relating to the investigation, trial, or hearing or to obtain the cooperation of a witness or informant.
2. A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing.
3. A record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice.
4. A record relating to a case or matter may be disseminated to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

5. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter.

6. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual involved with the maintenance, transportation, or release of such a person.

7. A record relating to a case or matter may be disseminated to a foreign country under an international treaty or convention entered into and ratified by the United States or under an executive agreement.

8. A record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency.

9. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public about the activities and the accomplishments of the Postal Service or its employees.

10. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending or returning a fugitive to a jurisdiction that seeks that individual's return.

11. A record may be disclosed to members of the American Insurance Association Index System to provide them with information relating to accidents and injuries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper folders. Abbreviated, summary, and identifying information pertaining to cases and criminal intelligence information are stored on computer storage media.

RETRIEVABILITY:

Name of the individual who is the subject of the file.

SAFEGUARDS:

Investigative records are maintained in locked file cabinets, safes, or secured areas under the scrutiny of OIG personnel who have been subjected to security clearance procedures. Access is further restricted by computer passwords when stored in electronic format. Automated records can only be accessed through authorized terminals by authorized users. Computer software has been designed to protect data by controlling access, logging actions, and reporting exceptions and violations.

RETENTION AND DISPOSAL:

(a) Records are maintained 1 to 15 years depending on type. Exceptions may be granted for longer retention in specific instances. Paper records are destroyed by burning, pulping, or shredding. Computer tape/disk records are erased or destroyed.

(b) Duplicate copies of investigative memorandums maintained by postal officials other than OIG are retained in accordance with a generally applicable Postal Service retention schedule rather than the OIG disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, U.S. Postal Service, 1735 North Lynn St, Arlington, VA 22209-2020.

NOTIFICATION PROCEDURE:

Individuals wanting to know whether information about them is in this system of records or if they were the subject of an investigation must furnish the system manager sufficient identifying information to distinguish them from other individuals of like name; identifying data will contain date of birth, name, address, type of investigation, dates, places, and the individual's involvement.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the notification procedure above and the Postal Service Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.6. The address of the OIG Freedom of Information/Privacy Acts Officer is 1735 N. Lynn Street, Arlington, VA 22209-2020, telephone (703) 248-2300.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Personal interviews, written inquiries, and other records about individuals

involved with an investigation, whether subjects, applicants, witnesses, references, or custodians of record information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Postal Service has established regulations at 39 CFR 266.9 that exempt information contained in this system of records from various provisions of the Privacy Act depending on the purpose for which the information was gathered and for which it will be used. Compliance with the disclosure (5 U.S.C. 552a(d)) and other subsections of the Act are not compatible with investigative practice, and would substantially compromise the efficacy and integrity of OIG operations. The purposes for which records are kept within this system and the exemptions applicable to those records are as follows:

(a) Criminal law enforcement—Under 5 U.S.C. 552a(j)(2), information compiled for this purpose is exempt from all the provisions of the Act except the following sections: (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i).

(b) Noncriminal investigatory—under 5 U.S.C. 552a(k)(2), material compiled for law enforcement purposes (and not exempted by 5 U.S.C. 552a(j)(2)) is exempted from the following provisions of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(c) Background investigations—material compiled solely for the purpose of a background security investigation is exempted by 5 U.S.C. 552a(k)(5) from the following provisions of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

Addresses of Office of Inspector General**Headquarters:**

1735 N. Lynn Street, Arlington, VA 22209-2020

Field Offices:

St Louis: 1720 Market St, PO Box 78579,

St. Louis, MO, 63178-8579

Dallas: 101 E McKinney St, PO Box 2144,

Denton, TX 76201-2144

Minneapolis: 1 Federal Dr, PO Box 32, Fort Snelling, MN, 55111-0032

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98-27717 Filed 10-14-98; 8:45 am]

BILLING CODE 7710-12-U

RAILROAD RETIREMENT BOARD**Public Meeting; Sunshine Act**

Notice is hereby given that the Railroad Retirement Board will hold a meeting on October 21, 1998, 9:00 a.m.,

at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

- (1) Senator Daschle's Amendment Relating to Surviving Divorced Spouses
- (2) Investment Practices: Barra Rogers Casey Update
- (3) Posting of the General Counsel Vacancy
- (4) 14th Annual Railroad Retirement Board Award for Excellence Program
- (5) Special Act/Special Service Awards
- (6) Year 2000 Issues

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312-751-4920.

Dated: October 9, 1998.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98-27790 Filed 10-13-98; 11:42 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23482; 812-10828]

Scudder Global Fund, Inc., et al.; Notice of Application

October 7, 1998.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under section 17(d) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered management investment companies to deposit their uninvested cash balances in joint accounts investing in short-term repurchase agreements.

APPLICANTS: Scudder Global Fund, Inc., Scudder International Fund, Inc., Scudder Institutional Fund, Inc., Scudder New Asia Fund, Inc., Scudder New Europe Fund, Inc., Scudder Global High Income Fund, Inc., The Argentina Fund, Inc., The Brazil Fund, Inc., Scudder Spain and Portugal Fund, Inc., The Korea Fund, Inc., The Japan Fund, Inc., Scudder California Tax Free Trust, Scudder Cash Investment Trust, Scudder Equity Trust, Scudder Fund, Inc., Scudder Funds Trust, Scudder GNMA Fund, Scudder Investment Trust, Scudder Municipal Trust,

Scudder Mutual Funds, Inc., Scudder Pathway Series, Scudder Portfolio Trust, Scudder Securities Trust, Scudder State Tax Free Trust, Scudder Tax Free Money Fund, Scudder Tax Free Trust, Scudder U.S. Treasury Money Fund, Scudder Variable Life Investment Fund, AARP Growth Trust, AARP Income Trust, AARP Managed Investment Portfolios Trust, AARP Tax Free Income Trust and AARP Cash Investment Funds, (the "Scudder Funds"), Kemper Equity Trust, Kemper Global/International Series, Inc., Kemper Securities Trust, Investor Fund Series (with the Scudder Funds, the "Investment Companies"), Scudder Kemper Investments, Inc., ("SKI") and Scudder Service Corporation ("Service Corp").

FILING DATES: The application was filed on October 23, 1997. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 4, 1998, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants: c/o Philip H. Newman, Esq., Goodwin, Procter & Hoar LLP, Exchange Place, Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT: John K. Forst, Attorney Advisor, at (202) 942-0569, or Mary Kay Frech, Branch Chief, at (202) 942-0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202-942-8090).

Applicants' Representations

1. Each Investment Company is organized as a Massachusetts business trust or Maryland corporation and registered under the Act as a

management investment company.¹ SKI, a Delaware corporation registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"), serves as investment adviser to the Investment Companies. Service Corp., a wholly owned subsidiary of SKI, serves as transfer agent for the Scudder Funds.

2. At the end of each trading day, applicants expect that the Investment Companies will have uninvested cash balances in their accounts with their custodians that would not otherwise be invested in portfolio securities. All of the Investment Companies currently are authorized by their investment policies and restrictions to invest at least a portion of their uninvested cash balances in short-term investments, including repurchase agreements.

3. Certain accounts also have been established by Service Corp., as transfer agent for each of the Scudder Funds, for money received by Service Corp. in connection with (a) the purchase of shares of the Scudder Funds prior to the purchase money being moved to the relevant custodian, (b) capital gains distributions payable by, or redemption proceeds from, the Scudder Funds, and (c) income dividends payable by the Scudder Funds (the "TA Accounts").

4. Applicants propose to deposit certain uninvested cash balances in the Investment Companies that remain at the end of the trading day and are held by the custodians, cash in the TA Accounts, and cash for investment purposes, into one or more joint trading accounts and to invest the daily balance of the joint trading accounts in overnight in term repurchase agreements which are "collateralized fully," as defined in rule 2a-7 under the Act ("Joint Accounts"). Cash in the TA Accounts will be deposited in Joint Accounts that invest in overnight repurchase agreements. Uninvested cash balances and cash for investment purposes will be deposited in Joint Accounts that invest in repurchase agreements with a remaining maturity of 60 days or less, calculated in accordance with rule 2a-7 under the Act ("Joint Repo Accounts"). A Joint Account would consist of a separate cash account established at a custodian bank.

5. An Investment Company will invest through a Joint Account only to

¹ Applicants requests that the relief also apply to any future series of the Investment Companies and all other registered management investment companies and their series that are advised by SKI or any person controlling, controlled by or under common control with SKI ("Future Funds"). Any Future Fund that relies on the requested order will do so only in accordance with the terms and conditions of the application.

the extent that doing so is consistent with the Investment Company's investment objectives, policies and restrictions. An Investment Company's decision to use the Joint Accounts be based on the same factors as its decision to enter into any other repurchase agreement. The Investment Companies that are eligible and that elect to participate in a Joint Account are referred to as "Participants."

6. SKI will not participate in the Joint Accounts and will receive no additional fee for administering them, but, with regard to assets invested by the Participants in the Joint Repo Accounts, will continue to receive from the Participants its asset-based advisory fee. SKI will be responsible for investing cash held by the Joint Accounts, establishing accounting and control procedures, and ensuring fair treatment of Participants.

7. All purchases through the Joint Accounts will be subject to the same systems and standards for acquiring investments for individual participants. Any repurchase agreements entered into through the Joint Accounts will comply with the terms of Investment Company Act Release No. 13005 (February 2, 1983) and any other applicable future positions of the SEC or its staff regarding repurchase agreements.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d-1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, from participating in any joint enterprise or arrangement in which such investment company is a participant, unless an application regarding the joint arrangement has been filed with and approved by the SEC. In passing on such applications, the SEC considers whether the participation of the registered investment company in the proposed joint arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person, as well as any person directly or indirectly controlling, controlled by, or under common control with, the other person, and in the case of an investment company, its investment adviser. Under section 2(a)(3) of the Act, the Participants may

be deemed "affiliated persons" because they may be deemed to be under the common control of SKI. Applicants state that the Participants, by participating in the Joint Accounts, and SKI, by managing the Joint Accounts, could be deemed to be "joint participants" in a transaction within the meaning of section 17(d)(1) of the Act. In addition, applicants state that the Joint Accounts could be deemed to be a "joint enterprise or other joint arrangement" within the meaning of rule 17d-1 under the Act.

3. Applicants request an order under section 17(d) and rule 17d-1 permitting the proposed transactions. Applicants believe that no Participant will receive fewer relative benefits from the operation of the Joint Accounts than any other Participant. Applicants also believe that the operation of the Joint Accounts will not result in any conflicts of interest among Participants. Applicants state that each Participant's liability on any repurchase agreement held in a Joint Account will be limited to its interest in the repurchase agreement.

4. Applicants believe that the proposed Joint Accounts could result in certain benefits to Participants. The Participants may earn a higher return on investments through the Joint Accounts relative to the returns they could earn individually. Under most market conditions, it is possible to negotiate a higher rate of return on larger repurchase agreements than the rate available on smaller repurchase agreements. In addition, the Joint Accounts may increase the number of dealers willing to enter into repurchase agreements with the Participants because larger denominations could be sold. The Joint Accounts also may result in certain administrative efficiencies and a reduction of the potential for errors by reducing the number of cash and securities transfers that must be processed in connection with repurchase agreements.

5. For the reasons set forth above, applicants submit that the proposed Joint Accounts meet the criteria of rule 17d-1 for issuance of an order.

Applicant's Conditions

Applicants will comply with the following as conditions to any order granted by the SEC:

1. The Joint Accounts will not be distinguishable from any other accounts maintained by Participants at their custodians except that money from Participants will be deposited in the Joint Accounts on a commingled basis. The Joint Accounts will not have a separate existence and will not have

indicia of a separate legal entity. The sole function of the Joint Accounts will be to provide a convenient way of aggregating individual transactions which would otherwise require daily management by SKI of uninvested cash balances.

2. Cash in the Joint Accounts will be invested in overnight and term repurchase agreements that are "collateralized fully" as defined in rule 2a-7 under the Act and which will have a remaining maturity of 60 days or less as calculated in accordance with rule 2a-7 under the Act. No Participant will be permitted to invest in a Joint Account unless the repurchase agreements in such Joint Account satisfy the investment policies and guidelines of that Participant.

3. All assets held in the Joint Accounts will be valued on an amortized cost basis to the extent permitted by applicable SEC releases, rules or orders.

4. Each Participant valuing its net assets in reliance on rule 2a-7 under the Act will use the average maturity of the instruments in the Joint Accounts in which such Participant has an interest (determined on a dollar weighted basis) for the purpose of computing its average portfolio maturity with respect to its portion of the assets held in a Joint Account on that day.

5. In order to assure that there will be no opportunity for any Participant to use any part of a balance of a Joint Account credited to another Participant, no Participant will be allowed to create a negative balance in any Joint Account for any reason, although each Participant will be permitted to draw down its entire balance at any time. Each Participant's decision to invest in a Joint Account will be solely at its option, and no Participant will be obliged to invest in the Joint Accounts or to maintain any minimum balance in the Joint Accounts. In addition, each Participant will retain the sole rights of ownership of any of its assets invested in the Joint Accounts, including interest payable on such assets invested in the Joint Accounts.

6. SKI will administer the investment of cash balances in and operation of the Joint Accounts as part of its general duties under its advisory agreements with Participants and will not collect any additional or separate fees for providing such services.

7. The administration of the Joint Accounts will be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g-1 under the Act.

8. The board of directors or trustees of each Participant (the "Board") will adopt procedures pursuant to which the

Joint Accounts will operate, which will be reasonably designed to provide that the requirements of the application will be met. Each Board will make and approve such changes as they deem necessary to ensure that such procedures are followed. In addition, each Board will determine, no less frequently than annually, that the Joint Accounts have been operated in accordance with the procedures adopted and will only permit a Participant to continue to participate therein if it determines that there is a reasonable likelihood that the Participant and its shareholders will benefit from continued participation.

9. SKI and the custodian of each Participant will maintain records documenting, for any given day, each Participant's aggregate investment in a Joint Account and each Participant's pro rata share of each investment made through such Joint Account. The records maintained for each Participant shall be maintained in conformity with Section 31 of the Act and the rules and regulations thereunder.

10. Every Participant in the Joint Accounts will not necessarily have its cash invested in every repurchase agreement. However, to the extent that a Participant's cash is applied to a particular repurchase agreement, the Participant will participate in and own its proportionate share of such repurchase agreement, and any income earned or accrued thereon, based upon the percentage of such investment purchased with money contributed by the Participant.

11. Each repurchase agreement held in a Joint Account generally will be held to maturity, except if: (i) SKI believes the investment no longer presents minimal credit risks; (ii) the investment no longer satisfies the investment criteria of all Participants in the investment because of a credit downgrade or otherwise; or (iii) the counterparty to such repurchase agreement defaults. SKI may, however, sell any repurchase agreement (or any fractional portion thereof) on behalf of some or all Participants prior to the maturity of the investment if the cost of such transaction will be borne solely by the selling Participants and the transaction will not adversely affect other Participants participating in that Joint Account. In no case will an early termination by less than all Participants be permitted if it would reduce the principal amount or yield received by other Participants in a particular Joint Account or otherwise adversely affect the other Participants. Each Participant in a Joint Account will be deemed to have consented to such sale and

partition of the investment in the Joint Account.

12. Repurchase agreements held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a-7 under the Act, will be considered illiquid and subject to the restriction that a Participant may not invest more than 15% or, in the case of a money market fund, 10% (or such other percentage as set forth by the SEC from time to time) of its net assets in illiquid securities, and any similar restrictions set forth in the Fund's investment restrictions and policies, if SKI cannot sell the instrument, or a Participant's fractional interest in such instrument, pursuant to the preceding condition.

13. The Joint Accounts will be established as one or more separate cash accounts on behalf of the Participants at a custodian bank. Each Participant may deposit daily all or a portion of its uninvested cash balances into the Joint Accounts. Each Participant whose regular custodian is a custodian other than the bank at which a proposed Joint Account would be maintained, and that wishes to participate in the Joint Account, would appoint the latter bank as a separate custodian for the limited purposes of: (a) receiving and disbursing cash; (b) holding any securities that are the subject of a repurchase agreement; and (c) holding any collateral received from a transaction effected through a Joint Account. Each Participant that appoints such a custodian will have taken all necessary actions to authorize such bank as its legal custodian, including all actions required under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-27624 Filed 10-14-98; 8:45 am]

BILLING CODE 8010-01-M

STATE JUSTICE INSTITUTE

Sunshine Act Meeting; Notice of Public Meeting

DATE AND TIME: Sunday, October 25, 1998, 1:30 a.m.-5:00 p.m., Monday, October 26, 1998, 9:00 a.m.-12:00 p.m..

PLACE:

(Sunday)

The Madison, 15th and M Streets,
N.W., Washington, DC 20005.

(Monday)

National Geographic Society, 1145
17th Street, N.W., Washington, DC
20036.

MATTERS TO BE CONSIDERED: FY 1999 grant requests, internal Institute business matters.

PORTIONS OPEN TO THE PUBLIC: All matters other than those noted as closed below.

PORTIONS CLOSED TO THE PUBLIC: Internal personnel matters and Board of Directors' committee meetings.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314, (703) 684-6100.

David I. Tevelin,

Executive Director.

[FR Doc. 98-27817 Filed 10-13-98; 1:08 pm]

BILLING CODE 6820-SC-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the current information collection—Motor Carrier Assessment of Compliance Reviews—was published on July 29, 1998 [63 FR 40581] and on the proposed information collection—Designation of Agent, Motor Carriers, Brokers and Freight Forwarders—was published on June 4, 1998 [63 FR 30557].

DATES: Comments must be submitted on or before November 16, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Arlene Kennedy, FHWA Information Collection Clearance Officer at (202) 366-9458.

SUPPLEMENTARY INFORMATION:

Federal Highway Administration (FHWA)

(1) *Title:* Designation of Agents, Motor Carriers, Brokers and Freight Forwarders.

OMB No.: 2125-0567.

Type of Request: Extension of a currently approved collection.

Abstract: The Secretary of Transportation is authorized to register

for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13903, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registrations to the FHWA. Registered motor carriers, brokers, and freight forwarders must designate (1) an agent on whom service of notices in proceedings before the Secretary may be made (49 U.S.C. 13303); and (2) for every state in which they operate, agents on whom process issued by a court may be served in actions brought against the registered transportation entity (49 U.S.C. 13304). Regulations governing the designation of process agents are found at 49 CFR part 366. This designation is filed with the FHWA on Form BOC-3.

Affected Public: Motor carriers, freight forwarders, and brokers.

Estimated Total Annual Burden Hours: 3,500.

(2) Motor Carrier Assessment of Compliance Reviews.

OMB No.: 2125-NEW.

Type of Request: New collection.

Abstract: The mission of the FHWA's Office of Motor Carriers (OMC) is to promote safe transportation of passengers and goods on the Nation's highways. In the performance of its duties, the OMC conducts periodic compliance reviews with motor carriers in each State. The reviews are normally held at the motor carrier's principal place of business. Compliance reviews are investigations of the carrier's operation to determine whether they meet the safety fitness standards. To meet the safety fitness standards, a motor carrier must demonstrate that it has adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements. Upon completion of a compliance review, FHWA assigns the carrier either a satisfactory, conditional or unsatisfactory rating. A satisfactory rating means the carrier has established and is using adequate safety management controls that meet FHWA's safety fitness standards. A conditional rating means a carrier has adequate controls that could result in violations of the Federal Motor Carrier Safety Regulations. An unsatisfactory rating means that the carrier has inadequate controls that have resulted in violations of the regulations. Compliance reviews can result in enforcement actions against a carrier for violations of safety

regulations. A civil fine is a primary enforcement tool used by the FHWA to induce regulatory compliance.

A survey of selected review participants will provide the information necessary for the OMC to assess these compliance reviews so that ongoing improvements to the compliance review process can be accomplished. The information will be collected on a standardized questionnaire, via mail or by telephone. Respondents will be advised of the purpose for the survey and the confidentiality of their responses, either by an accompanying letter or orally by telephone. The questionnaire will request respondents to provide information pertaining to the compliance review process (i.e. notification, purpose and length of the review). The information will be collected from motor carriers shortly after FHWA or State officials complete a compliance review.

Affected Public: Motor carrier employees who signed for receipt of the compliance review.

Estimated Total Annual Burden Hours: 250.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on October 8, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98-27665 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 1998-4555]

Chemical Transportation Advisory Committee, Subcommittee on Proper Cargo Names

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Chemical Transportation Advisory Committee's (CTAC) Subcommittee on Proper Cargo Names (PCN) will meet to discuss various issues relating to use of proper cargo names for the marine transportation of hazardous materials in bulk. The meeting will be open to the public.

DATES: The PCN Subcommittee will meet on Tuesday, November 10, 1998, from 9 a.m. to 4 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the U.S. Coast Guard on or before November 3, 1998. Requests to have a copy of your material distributed to each member of the CTAC Subcommittee should reach the U.S. Coast Guard on or before November 3, 1998.

ADDRESSES: The Subcommittee will meet at the American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060-6008. Point of contact: Mr. Philip G. Rynn; tel.: 281-877-6415; fax.: 281-877-6795. Send written material and requests to make oral representations to Mr. Curtis Payne, Commandant (G-MSO-3), U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Mr. Curtis Payne, telephone 202-267-1577, fax 202-267-4570. For questions on viewing, or submitting material to, the docket, contact Ms. Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Meeting Agenda

Prepare plan of action diagnosing three primary issues identified at the August 25th Subcommittee meeting. These are:

- (1) Marine bulk requirements differentiated from other modes,
- (2) Inadequate regulations, and

(3) Need for identified procedures.

The meeting is open to the public. Please note that the meeting may close early if any business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify Mr. Payne no later than November 3, 1998. Written material for distribution at the meeting should reach the U.S. Coast Guard no later than November 3, 1998. If you would like a copy of your material distributed to each member of the Subcommittee in advance of the meeting, please submit 25 copies to Mr. Payne no later than November 3, 1998, or make other arrangements with Mr. Payne.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Payne as soon as possible.

Dated: October 8, 1998.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 98-27636 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-1998-4465]

Advisory Circular (AC) Briefing Material, Air Crewmember Qualifications

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability for public comment.

SUMMARY: This notice announces the availability of briefing materials regarding a draft advisory circular (AC) addressing alternative methods of compliance for proposed air crewmember qualification regulations. The AC briefing material was presented at a meeting conducted by the FAA, at the Regional Airline Association on June 22, 1998. In addition, this notice opens Docket No. FAA-1998-4465, and that docket serves as a repository for all recorded material (e.g., minutes, briefing material, and list of attendees) regarding the aforementioned meeting.

ADDRESSES: Comments on this notice should be mailed or delivered, in duplicate, to: U.S. Department of

Transportation Dockets, Docket No. FAA-1998-4465, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590. Comments may also be submitted electronically to the following Internet address: 9-NPRM-CMTS@faa.dot.gov. Comments must be marked Docket No. FAA-98-4465. Comments may be filed and/or examined in Room Plaza 401 weekdays between 10:00 a.m. and 5:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Demuth, Air Transport Division (AFS-200), Federal Aviation Administration, Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-8922.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to comment on the briefing materials listed in this notice by submitting such written data, views, or arguments to the address listed above. The FAA will consider all communications before developing the AC. The briefing material may be inspected at the U.S. Department of Transportation, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590, between the hours of 10:00 a.m. and 5:00 p.m. weekdays, except Federal holidays.

Meeting Summary

On June 22, 1998, the FAA provided a briefing to members of the aviation industry regarding a draft AC for air carrier crewmember qualifications. This meeting implemented a process whereby some interested segments of the air carrier industry were invited to participate in the review of the draft AC briefing material. The proposed AC briefing material addressed alternative methods of compliance for draft air crewmembers qualification regulations. The briefing provided an overview of the major concepts of the contemplated regulation in order to illustrate the need for advisory material.

No comments were received or solicited regarding the proposed AC or regulation. Since the meeting, no comments have been received from participants present or represented at the meeting.

Issued in Washington, DC on October 8, 1998.

Richard O. Gordon,

Acting Director, Flight Standards Service, AFS-1.

[FR Doc. 98-27724 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Certification Task Force

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given that the next meeting of the RTCA Certification Task Force will be held October 29-30, 1998, starting at 9:00 a.m., at MITRE/CAASD, 1820 Dolley Madison Boulevard, McLean, VA. This task force is reviewing the "end-to-end" certification of advanced avionics systems and, keeping safety as a first priority, developing recommendations for improving the timeliness and reducing the costs of certification.

The meeting agenda will include: (1) Welcome and Introductory Remarks; (2) A Presentation by Task Force Co-chairs Mr. Tony Broderick (former FAA associate administrator and now consultant to Airbus) and Mr. Ed Stimpson (General Aviation Manufacturers Association); (3) Presentations by the leaders of the four task force working groups. The presentations will focus on tasking progress to date and current issues/challenges. Time will be allocated to questions, answers, and general discussion.

Concurrent working group sessions will take place on the Afternoon of October 29 and the morning of October 30. A summary plenary session will commence at 11:30 a.m. on October 30. Attendance is open to the interested public but limited to space availability. With the approval of the co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact RTCA at (202) 833-9339 (phone), (202) 833-9434 (fax), or dclarke@rtca.org (e-mail). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 8, 1998.

Janice L. Peters,

Designated Official.

[FR Doc. 98-27721 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket MSP-009/Docket S-948]

Chrysler Corporation; Notice Application for Approvals of Restructured Beneficial Ownership of Vessels Operating Under Construction-Differential Subsidy, Operating-Differential Subsidy, and the Maritime Security Program, as a Result of the Business Combination Between Chrysler Corporation and Daimler-Benz, A.G.

Chrysler Corporation (Chrysler), by letter dated September 29, 1998, applied to the Maritime Administration (MARAD) for all approval, findings, and determinations necessary in order to restructure its beneficial ownership rights, as owner-trustor, in certain vessels as a result of its business combination with Daimler-Benz, A.G. (Daimler-Benz). After the business combination, Chrysler will become DaimlerChrysler, A.G. (DaimlerChrysler), a foreign corporation. Chrysler Financial Corporation (CFC) and Chrysler Capital Corporation (CCC), both wholly-owned subsidiaries of Chrysler, are the beneficial owners of the following six vessels, each of which is documented in the name of a banking institution owner trustee:

1. SEA-LAND FREEDOM-Marshall Islands Flag registry;
2. SEA-LAND EXPRESS-U.S.-flag registry;
3. SEA-LAND PACIFIC-U.S.-flag registry, built with Construction-Differential Subsidy (CDS);
4. SEA-LAND ENTERPRISE-U.S.-flag registry, built with CDS
5. SEA-LAND ENDURANCE-U.S.-flag registry, enrolled in the Maritime Security Program (MSP); and
6. TYSON LYKES-U.S.-flag registry, operates under Operating-Differential Subsidy (ODS) until December 31, 1998, thereafter under the MSP program.

Subsequent to the business combination, CFC and CCC will be merged into Chrysler Financial Company, L.L.C. (Chrysler Financial), a wholly owned indirect subsidiary of DaimlerChrysler. Chrysler Financial will therefore will be a foreign owner participant in the above referenced vessels.

The approval, findings and determinations requested include those that may be deemed necessary under statute, regulation, or contract in order:

1. For Chrysler to amend its trust agreement covering the SEA-LAND EXPRESS to qualify Chrysler Financial as the new Owner Participant under

Section 1136 of the Coast Guard Authorization Act of 1996;

2. For Chrysler to amend its trust agreement covering the SEA-LAND ENDURANCE to qualify Chrysler Financial as the new Owner Participant under Section 1136 of the Coast Guard Authorization Act of 1996 for the MSP program;

3. For Chrysler to amend its trust agreements covering the SEA-LAND PACIFIC and SEA-LAND ENTERPRISE to qualify Chrysler Financial as the new Owner Participant under Section 1113 of the Coast Guard Authorization Act of 1996 for CDS; and

4. For Chrysler to amend its trust agreement covering the TYSON LYKES to qualify Chrysler Financial as the new Owner Participant under Section 1136 of the Coast Guard Authorization Act of 1996, for the remainder of the ODS period and anticipating the vessel's entry into the MSP program upon expiration of the ODS contract in December 1998.

Chrysler has stated that they intend to leave the owner trusts in place but merely amend the trust agreements with certain limitations whereby the U.S. citizen owner trustee is given absolute and complete discretion in connection with matters involving the ownership and operation of the vessels that may adversely affect the interests of the United States.

This notice, which is published as a matter of discretion, invites comments on maritime issues that may be raised by Chrysler's proposal relating to the transfer of beneficial ownership of the referenced vessels under ODS, CDS, and MSP contracts. This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments must be received no later than 5:00 p.m. on October 20, 1998. The Maritime Subsidy Board/Maritime Administrator may consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

Dated: October 9, 1998.

By Order of the Maritime Administrator.

Michael J. McMorrow,

Assistant Secretary, Maritime Administration.
[FR Doc. 98-27731 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of NHTSA industry meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program.

DATES: The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on Thursday, December 17, 1998, beginning at 9:45 a.m. and ending at approximately 12:30 p.m., at the Clarion Hotel, Romulus, MI. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Wordperfect) by Tuesday, November 17, 1998, to the address shown below or by e-mail. If sufficient time is available, questions received after November 17 may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by November 17, 1998, and the issues to be discussed, will be posted on NHTSA's web site (www.nhtsa.dot.gov) by Monday, December 14, 1998, and will be available at the meeting. The next NHTSA vehicle regulatory program meeting will take place on Thursday, March 18, 1999 at the Clarion Hotel, Romulus, MI.

ADDRESSES: Questions for the December 17, NHTSA Technical Industry Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS-01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202-366-4329, e-mail dlopez@nhtsa.dot.gov. The meeting will be held at the Clarion Hotel, 9191 Wickham Road, Romulus, MI.

FOR FURTHER INFORMATION CONTACT: Delia Lopez, (202) 366-1810.

SUPPLEMENTARY INFORMATION: NHTSA holds a regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the

past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 100 to 150 pages) upon request to DOT Docket, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. Questions to be answered at the quarterly meeting should be organized by categories to help us process the questions into an agenda form more effectively. Sample format:

I. RULEMAKING

- A. Crash avoidance
- B. Crashworthiness
- C. Other Rulemakings

II. CONSUMER INFORMATION

III. MISCELLANEOUS

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366-1810, by COB November 17, 1998.

Issued: October 9, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-27719 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket Number: RSPA-98-4452; Notice 1]

Notice of Request for Extension of an Existing Information Collection

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice and request for comments.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366-6205, to ask questions about this notice, or write by e-mail to marvin.fell@rspa.dot.gov.

SUMMARY: This notice requests public participation in the Office of Management and Budget (OMB) approval process regarding the renewal of a collection of information. RSPA

intends to request OMB approve of this information collection under the Paperwork Reduction Act of 1995.

Type of Information Collection Request: Renewal of Existing Collection.

Title of Information Collection: Certification and Agreement Forms for the Gas and Hazardous Liquid Pipeline Safety Program.

OMB Approval Number: 2137-0584.

Frequency: Annually.

Use: This collection is used by RSPA to ensure that state agencies attesting they have regulatory jurisdiction over pipeline safety, have adopted and are complying with minimum Federal safety standards. This information is used to calculate grants to states. These grants are used by states to help fund a significant portion of their state pipeline safety programs.

Estimated Number of Respondents: 62.

Respondents: State Agencies.

Total Annual Hours Requested: 3,678.

Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Comments should be sent to Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh St., SW Washington, D.C. 20590-0001 or by e-mail to OPS.comments@rspa.dot.gov.

DATES: Comments to this notice must be received on or before December 14, 1998 to be assured consideration.

Issued in Washington, D.C. on October 8, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98-27662 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-98-4452 Notice 2]

Notice of Request for Extension of an Existing Information Collection

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Research and Special Programs Administration's (RSPA) intention to request a renewal of a currently approved information collection in support of the Office of Pipeline Safety (OPS) Recordkeeping for Gas Pipeline Operators.

DATES: Comments on this notice must be received on or before December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW Washington, D.C. 20590, (202) 366-6205, or by e-mail at marvin.fell@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Recordkeeping for Gas Pipeline Operators.

OMB Number: 2137-0049.

Type of Request: Renewal of a currently approved information collection.

Abstract: 49 U.S.C. 60117 explains that in order to enable the Secretary of Transportation to decide whether a person transporting gas is complying with Federal Safety standards this statute requires the maintenance of records and reports and that these and other requested information be provided to the Department of Transportation upon request. These records help ascertain compliance and provide information for incident investigation.

Estimate of Burden: The average burden hours per operator is 42.3.

Respondents: Gas Pipeline operators.

Estimated Number of Respondents: 22,700.

Estimated Total Annual Burden on Respondents: 959,191.

Copies of this information collection can be reviewed at the Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh St. SW., Washington, D.C.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques. Send comments to Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh St. SW., Washington, D.C. 20590-0001 or by e-mail to ops.comments@rspa.dot.gov.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also be a matter of public record.

Issued in Washington, DC on October 8, 1998.

Richard Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98-27663 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket RSPA-98-4452 Notice 3]

Notice of Request for Extension of an Existing Information Collection

AGENCY: Research and Special Programs Administration, DOT

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Research and Special Programs Administration's (RSPA) intention to request renewal of an information collection in support of the Office of Pipeline Safety (OPS) for Recordkeeping for Liquid Natural Gas (LNG) Facilities.

DATES: Comments on this notice must be received on or before December 14, 1998, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street SW, Washington, D.C. 20950, (202) 366-1640 or e-mail marvin.fell@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Recordkeeping for Liquid Natural Gas (LNG) Facilities.

OMB Number: 2137-0048.

Abstract: 49 U.S.C. 60103 Standards for liquefied natural gas pipeline facilities delegates the responsibility for ensuring safe operation of LNG facilities to the Secretary of Transportation. Regulations for enforcing this legislation are found in 33 CFR 193 Liquefied Natural Gas Facilities: Federal Safety Standards. These regulations include recordkeeping requirements that allow

Federal and State inspectors to ensure that these facilities are operated and maintained in a safe manner.

Estimate of Burden: The average burden hours per response is 120.

Respondents: LNG facility operators.

Estimated Number of Respondents: 95

Estimated Number of Responses per Respondent: 400.

Estimated Total Annual Burden on Respondents: 11,400 hours.

Copies of this information collection can be reviewed at the Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh St. SW, Washington, D.C.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques. Send comments to Dockets Facility Plaza 401, U.S. Department of Transportation, 400 Seventh St. SW, Washington, D.C. 20590-0001 or by e-mail to OPS.comments@rspa.dot.gov.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also be a matter of public record.

Issued in Washington, DC on October 8, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.
[FR Doc. 98-27664 Filed 10-14-98; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF THE TREASURY

Customs Service

Expansion of National Customs Automation Program Test of Account-Based Declaration to Additional Ports of Entry

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice announces Customs plan to expand the National Customs Automation Program Prototype (NCAP/P) to include five additional ports of entry. The addition of these

ports of entry will address the mutual interests of Customs and the trade community in increasing the volume of prototype entries.

DATES: Entries will not be able to be filed by participants at the additional ports of entry before November 1, 1998; participants should contact Mike Jackson concerning the exact dates when entries may be filed at the additional ports of entry. Applications to participate in the NCAP/P that are submitted after October 15, 1998, must include the additional information specified in this notice.

ADDRESSES: Applications should be addressed or faxed to Mike Jackson, U.S. Customs Service, 1300 Pennsylvania Avenue NW, Room 5.2A, Washington, DC 20229, fax number (202) 927-1096.

FOR FURTHER INFORMATION CONTACT: Mike Jackson, Office of Field Operations, (202) 927-5286.

SUPPLEMENTARY INFORMATION:

Background

On March 27, 1997 Customs announced its plan to initiate an account-based declaration prototype (NCAP/P) under the National Customs Automation Program (NCAP) (see, 62 FR 14731). On August 21, 1998, a replacement notice was published in the **Federal Register** (63 FR 44949) that also broadened the eligibility requirements for participation in the NCAP/P, incorporated enhancements made to the reconciliation component, and clarified the statement process component.

Due to the mutual interests of Customs and the trade community in increasing the volume of prototype entries, Customs will be making NCAP/P processing available at five additional ports of entry. These ports are located at:

- (1) Buffalo, New York (Peace Bridge and Lewiston Bridge only)
- (2) El Paso, Texas
- (3) Nogales, Arizona
- (4) Calexico, California
- (5) Otay Mesa, California

This expansion will begin no earlier than November 1, 1998. Once Customs implements NCAP/P processing at these additional ports, all current and future participants may enter NCAP/P merchandise at any of the NCAP/P ports, i.e., the NCAP/P ports identified in this notice and the notice of August 21, 1998.

Applications to participate in the NCAP/P submitted after the date of this **Federal Register** notice should contain the information specified in the August 21, 1998, notice and must also include the approximate total entries per month expected at each of the five additional NCAP/P ports listed above.

Dated: October 8, 1998

Audrey Adams,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 98-27645 Filed 10-14-98; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS-6-95]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, Gasoline and Diesel Fuel Excise Tax; Dye Injection Systems and Markers; Measurement (§ 48.4082-1(d)).

DATES: Written comments should be received on or before December 14, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Gasoline and Diesel Fuel Excise Tax; Dye Injection Systems and Markers; Measurement.

OMB Number: 1545-1481.

Regulation Project Number: PS-6-95.

Abstract: Internal Revenue Code section 4082(a) exempts from tax diesel fuel that is dyed in accordance with prescribed regulations. Regulation section 48.4082-1(d) provides that diesel fuel that is dyed at a terminal rack must be dyed by means of (1) a prescribed mechanical injection system or (2) nonconforming dyeing. Section 48.4082-1(d)(4) prescribes the information that must be retained by a

terminal operator that dyes by means of nonconforming dyeing. This information is required by the IRS to monitor manual dyeing at terminals and to ensure the collection of the proper amount of tax imposed by Code section 4081.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98-27710 Filed 10-14-98; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Request for Information on Impact to Discontinue the Form 1040PC Program for Tax Years 1999 and Beyond

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This announcement is requesting that software developers, tax practitioners, or taxpayers send to the Internal Revenue Service their comments on the impact of discontinuing the Form 1040PC program for Tax Year 1999.

ADDRESSES: Questions or concerns should be directed to Lee Lawrence at the IRS, Electronic Tax Administration, Electronic Program Operations Office, OP:ETA:O, New Carrollton Federal Building, 5000 Ellin Road, C4-300 Lanham, MD ATTN: Lee Lawrence or via E-mail at lee.x.lawrence@ccmail.irs.gov or faxed to (202) 293-4786 ATTN: Lee Lawrence.

SUPPLEMENTARY INFORMATION: In 1991, the Service piloted the Form 1040PC return format which was promoted as an alternative way of filing a computer generated return for those taxpayers who cannot file electronically. The primary objective of the Form 1040PC was to provide a standard for a condensed plain paper return which would reduce the paper volume to one or two sheets of paper for the majority of filing. In addition, the Service anticipated that by reducing the amount of paper input, the Form 1040PC processing would be simplified.

Since 1992, the Form 1040PC volume has fluctuated considerably from year to year and productivity gains have not been realized due to the variable format content. Additionally for the upcoming 1999 filing season, there are plans for a pilot which will provide a paperless filing experience for those filers who are eligible to participate. The pilot will target current on-line filers, Form 1040PC and computer generated paper 1040/1040A filers who have prepared their own returns and will encourage those taxpayers to file electronically. Based on these factors, the Service is planning to discontinue the 1040PC program effective for Tax Year 1999. Please submit your comments in writing to Lee Lawrence by December 14, 1998, on the impact of discontinuing the 1040PC program.

Approved: September 28, 1998.

Terry Lutes,

National Director, Electronic Program Operations Office, Electronic Tax Administration.

[FR Doc. 98-27709 Filed 10-14-98; 8:45 am]

BILLING CODE 4830-01-U

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: "Treasures of Russia" From Peterhof—Summer Palaces of the Czars

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 133359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 F.R. 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit, "Treasures of Russia" from Peterhof—Summer Palaces of the Czars, imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed exhibit objects at Rio Hotel & Casino, Las Vegas, Nevada, from on or about November 5, 1998, through on or about April 15, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Lori Nierenberg, Assistant General Counsel, Office of the General Counsel, 202/619-6084, and the address is Room 700, U.S. Information Agency, 301 4th Street, S.W. Washington, D.C. 20547-0001.

Dated: October 8, 1998.

Les Jin,

General Counsel.

[FR Doc. 98-27678 Filed 10-14-98; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0118]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 16, 1998.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8015 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0118."

SUPPLEMENTARY INFORMATION:

Title and Form Number: Veterans Benefits, Veterans Education, Education or Training, VA Form Letter 22-315.

OMB Control Number: 2900-0118.

Type of Review: Extension of a currently approved collection.

Abstract: The information is used to determine whether a claimant is eligible for payment for training at an institution other than the institution which will grant a degree or certificate upon completion of training. Without the information, benefits cannot be authorized for any courses pursued at other than the primary institution.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 29, 1998 at page 4526.

Affected Public: State, Local or Tribal Government—Not-for-profit institutions.

Estimated Annual Burden: 175 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,048.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Please refer to "OMB Control No. 2900-0118" in any correspondence.

Dated: August 18, 1998.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98-27625 Filed 10-14-98; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0325]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 16, 1998.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8015 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0325."

SUPPLEMENTARY INFORMATION:

Title and Form Number: Certification of Delivery of Advance Payment and Enrollment, VA Form 22-1999v.

OMB Control Number: 2900-0325.

Type of Review: Extension of a currently approved collection.

Abstract: VA is authorized to pay educational assistance to veterans and other eligible individuals pursuing approved programs of education under Title 38, U.S.C., chapters 30, 32 and 35, section 903 of Public Law 96-342, and Title 10, U.S.C., chapter 1606. If certain requirements are met, VA is authorized to issue payments in advance of the beginning date of training. The schools or training establishments deliver advance payments and are required to certify the deliveries to VA. The schools or training establishments are also required to report the following to VA: (1) The failure of the student to enroll; (2) an interruption or termination of attendance; or, (3) a finding of unsatisfactory attendance conduct or progress. VA Form 22-1999v serves as the certification of delivery of the advance payment and also the report of any changes in training status.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 29, 1998 at page 4523.

Affected Public: Business or other for-profit—Not-for-profit institutions—State, Local or Tribal Governments.

Estimated Annual Burden: 2,829 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Responses: 33,590.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Please refer to "OMB Control No. 2900-0325" in any correspondence.

Dated: August 18, 1998.

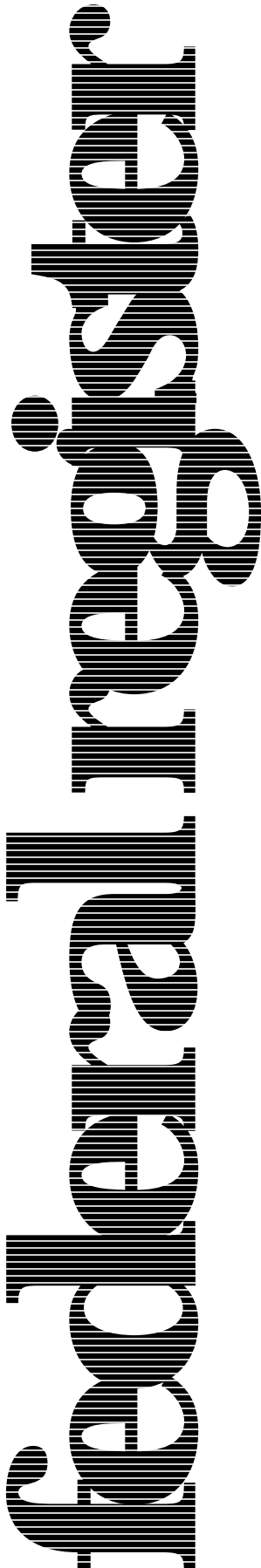
By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98-27626 Filed 10-14-98; 8:45 am]

BILLING CODE 8320-01-P



Thursday
October 15, 1998

Part II

**State Justice
Institute**

Grant Guideline; Notice

STATE JUSTICE INSTITUTE

Grant Guideline

AGENCY: State Justice Institute.

ACTION: Final Grant Guideline.

SUMMARY: This Guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 1999 State Justice Institute grants, cooperative agreements, and contracts.

EFFECTIVE DATE: October 15, 1998.

FOR FURTHER INFORMATION CONTACT:

David I. Tevelin, Executive Director, or Richard Van Duizend, Deputy Director, State Justice Institute, 1650 King St. (Suite 600), Alexandria, VA 22314, (703) 684-6100.

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984, 42 U.S.C. 10701, *et seq.*, as amended, the Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the State courts of the United States.

Status of FY 1999 Appropriations

The Senate has approved an FY 1999 appropriation of \$14 million for the Institute. The House of Representatives has approved a \$6.85 million appropriation. The final amount will be determined by a Conference Committee. The scope of the grant program in this Guideline and the funding targets noted for specific programs may be adjusted depending on the final funding figure.

Types of Grants Available and Funding Schedules

The SJI grant program is designed to be responsive to the most important needs of the State courts. To meet the full range of the courts' diverse needs, the Institute offers five different categories of grants. The types of grants available in FY 1999 and the funding cycles for each program are provided below:

Project Grants

These grants are awarded to support innovative education, research, demonstration, and technical assistance projects that can improve the administration of justice in State courts nationwide. Except for "Single Jurisdiction" project grants awarded under section II.C.1. (see below), project grants are intended to support innovative projects of national significance. As provided in section V. of the Guideline, project grants may ordinarily not exceed \$200,000 a year;

however, grants in excess of \$150,000 are likely to be rare, and awarded only to support projects likely to have a significant national impact.

Applicants must ordinarily submit a concept paper (see section VI.) and an application (see section VII.) in order to obtain a project grant. As indicated in Section VI.C., the Board may make an "accelerated" grant of less than \$40,000 on the basis of the concept paper alone when the need for the project is clear and little additional information about the operation of the project would be provided in an application.

The FY 1999 mailing deadline for project grant concept papers is **November 24, 1998**. Papers must be postmarked or bear other evidence of submission by that date. The Board of Directors will meet in early March 1999 to invite formal applications based on the most promising concept papers. Applications will be due on May 12, 1999 and awards will be approved by the Board in July.

Single Jurisdiction Project Grants

Section II.C.1. reserves up to \$300,000 for Projects Addressing a Critical Need of a Single State or Local Jurisdiction. To receive a grant under this program, an applicant must demonstrate that (1) the proposed project is essential to meeting a critical need of the jurisdiction and (2) the need cannot be met solely with State and local resources within the foreseeable future. Applicants are encouraged to submit proposals to replicate approaches or programs that have been evaluated as effective under an SJI grant. Examples of projects that could be replicated are listed in Appendix IV.

Technical Assistance Grants

Section II.C.2. reserves up to \$400,000 for Technical Assistance Grants. Under this program, a State or local court may receive a grant of up to \$30,000 to engage outside experts to provide technical assistance to diagnose, develop, and implement a response to a jurisdiction's problems.

Letters of application for a Technical Assistance grant may be submitted at any time. Applicants submitting letters between October 1, 1998 and January 15, 1999 will be notified by March 31, 1999; those submitting letters between January 16 and March 12, 1999 will be notified by May 28, 1999; those submitting letters between March 14 and June 11, 1999 will be notified by August 31, 1999; and those submitting letters between June 12 and September 30, 1999 will be notified of the Board's decision by December 17, 1999.

Curriculum Adaptation Grants

A grant of up to \$20,000 may be awarded to a State or local court to replicate or modify a model training program developed with SJI funds. The Guideline allocates up to \$160,000 for these grants in FY 1999. See section II.B.2.b.ii.

Letters requesting Curriculum Adaptation grants may be submitted at any time during the fiscal year. However, in order to permit the Institute sufficient time to evaluate these proposals, letters must be submitted no later than 90 days before the projected date of the training program. See section II.B.2.b.ii.(c).

Scholarships

The Guideline allocates up to \$200,000 of FY 1999 funds for scholarships to enable judges and court managers to attend out-of-State education and training programs. See section II.B.2.b.iii.

The Institute is making two significant changes in the scholarship program this year. The first is that scholarships for eligible applicants will be approved largely on a "first come, first served" basis, although the Institute may approve or disapprove scholarship requests in order to achieve appropriate balances on the basis of geography, program provider, and type of court or applicant (e.g., trial judge, appellate judge, trial court administrator). The second is that scholarships will be approved only for programs that either (1) address topics included in the Guideline's Special Interest categories (section II.B.); (2) enhance the skills of judges and court managers; or (3) are part of a graduate program for judges or court personnel.

Applicants interested in obtaining a scholarship for a program beginning between January 1 and March 31, 1999 must submit their applications and any required accompanying documents by December 1, 1998. For programs beginning between April 1 and June 30, 1999, the applications and documents must be submitted between January 8 and March 8, 1999. For programs beginning between July 1 and September 30, 1999, the applications and documents must be submitted between April 1 and June 1, 1999. For programs beginning between October 1 and December 31, 1999, the applications and documents must be submitted between July 1 and September 1, 1999. For programs beginning between January 1 and March 31, 2000, the applications and documents must be submitted between October 1 and December 1, 1999.

Renewal Grants

There are two types of renewal grants available from SJI: Continuation grants (see sections III.G., V.C. and D., and IX.A.) and On-going support grants (see sections III.H., V.C. and D., and IX.B.). Continuation grants are intended to enhance the specific program or service begun during the initial grant period.

On-going support grants may be awarded for up to a three-year period to support national-scope projects that provide the State courts with critically needed services, programs, or products.

The Guideline establishes a target for renewal grants of approximately 25% of the total amount projected to be available for grants in FY 1999. See section IX. Grantees should accordingly be aware that the award of a grant to support a project does not constitute a commitment to provide either continuation funding or on-going support.

An applicant for a continuation or on-going support grant must submit a letter notifying the Institute of its intent to seek such funding, no later than 120 days before the end of the current grant period. The Institute will then notify the applicant of the deadline for its renewal grant application. See section IX.

Special Interest Categories

The Guideline includes 12 Special Interest categories, i.e., those project areas that the Board has identified as being of particular importance to the State courts this year. The selection of these categories was based on the Board and staff's experience and observations over the past year, the recommendations received from judges, court managers, lawyers, members of the public, and other groups interested in the administration of justice, and the issues identified in recent years' concept papers and applications.

Section II.B. of the Guideline includes the following Special Interest categories:

Improving Public Confidence in the Courts;

Education and Training for Judges and Other Key Court Personnel (this category includes Curriculum Adaptation grants, Scholarships for Judges and Key Court Personnel, and National Conferences);

Dispute Resolution and the Courts;
Application of Technology;
Court Management, Financing, and Planning;

Managed Care and the Courts;
Substance Abuse and the Courts;
Children and Families in Court;
Improving the Courts' Response to Domestic Violence;

Improving Sentencing Practices;

Improving Court Security; and
The Relationship Between State and Federal Courts.

Conferences

The Institute is soliciting proposals to conduct a National Conference on Evaluating the Impact of "Future and the Courts" Activities. See section II.B.2.b.iv.

Comments

The Institute received a request from the Texas Municipal Courts Education Center recommending that scholarships be available to part-time judges. In light of the limited funds available for scholarships, the Institute will continue to focus the program on the needs of full-time judges. The National Association of Drug Court Professionals offered several suggestions about specific topics that could be highlighted in the "Substance Abuse" Special Interest category. Several of the issues are already within the scope of the category, others are more within the purview of other grant programs, and one (the conduct of a national symposium on juvenile drug courts) appears premature. Accordingly, no substantive changes were made in the Final Guideline. Several minor grammatical, typographical, and technical changes have been made.

Recommendations to Grant Writers

Over the past 12 years, Institute staff have reviewed approximately 3,600 concept papers and 1,700 applications. On the basis of those reviews, inquiries from applicants, and the views of the Board, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals that can meet the funding criteria set forth in this Guideline.

The Institute suggests that applicants make certain that they address the questions and issues set forth below when preparing a concept paper or application. Concept papers and applications should, however, be presented in the formats specified in sections VI. and VII. of the Guideline, respectively.

1. What is the subject or problem you wish to address?

Describe the subject or problem and how it affects the courts and the public. Discuss how your approach will improve the situation or advance the state of the art or knowledge, and explain why it is the most appropriate approach to take. When statistics or research findings are cited to support a statement or position, the source of the

citation should be referenced in a footnote or a reference list.

2. What do you want to do?

Explain the goal(s) of the project in simple, straightforward terms. The goals should describe the intended consequences or expected overall effect of the proposed project (e.g., to enable judges to sentence drug-abusing offenders more effectively, or to dispose of civil cases within 24 months), rather than the tasks or activities to be conducted (e.g., hold three training sessions, or install a new computer system).

To the greatest extent possible, an applicant should avoid a specialized vocabulary that is not readily understood by the general public. Technical jargon does not enhance a paper, nor does a clever but uninformative title.

3. How will you do it?

Describe the methodology carefully so that what you propose to do and how you would do it are clear. All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks, and relate those tasks directly to the accomplishment of the project's goal(s). When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, provide the additional information. A description of project tasks also will help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described. The Institute encourages applicants to attach letters of cooperation and support from the courts and related agencies that will be involved in or directly affected by the proposed project.

4. How will you know it works?

Include an evaluation component that will determine whether the proposed training, procedure, service, or technology accomplished the objectives it was designed to meet. Concept papers and applications should present the criteria that will be used to evaluate the project's effectiveness; identify program elements which will require further modification; and describe how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what specific measures will be used. In most instances, the evaluation should be conducted by persons not connected with the implementation of the procedure, training, service, or technique, or the administration of the project.

The Institute has also prepared a more thorough list of recommendations to grant writers regarding the development of project evaluation plans. Those recommendations are available from the Institute upon request.

5. How will others find out about it?

Include a plan to disseminate the results of the training, research, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods which will be used to inform the field about the project, such as the publication of law review or journal articles, or the distribution of key materials. A statement that a report or research findings "will be made available to" the field is not sufficient. The specific means of distribution or dissemination as well as the types of recipients should be identified. Reproduction and dissemination costs are allowable budget items.

6. What are the specific costs involved?

The budget in both concept papers and applications should be presented clearly. Major budget categories such as personnel, benefits, travel, supplies, equipment, and indirect costs should be identified separately. The components of "Other" or "Miscellaneous" items should be specified in the application budget narrative, and should not include set-asides for undefined contingencies.

7. What, if any, match is being offered?

Courts and other units of State and local government (not including publicly-supported institutions of higher education) are required by the State Justice Institute Act to contribute a match (cash, non-cash, or both) of at least 50 percent of the grant funds requested from the Institute. All other applicants also are encouraged to provide a matching contribution to assist in meeting the costs of a project.

The match requirement works as follows: If, for example, the total cost of a project is anticipated to be \$150,000, a State or local court or executive branch agency may request up to \$100,000 from the Institute to implement the project. The remaining \$50,000 (50% of the \$100,000 requested from SJI) must be provided as match.

Cash match includes funds directly contributed to the project by the applicant, or by other public or private sources. It does not include income generated from tuition fees or the sale of project products. Non-cash match refers to in-kind contributions by the applicant, or other public or private sources. This includes, for example, the

monetary value of time contributed by existing personnel or members of an advisory committee (but not the time spent by participants in an educational program attending program sessions). When match is offered, the nature of the match (cash or in-kind) should be explained and, at the application stage, the tasks and line items for which costs will be covered wholly or in part by match should be specified.

8. Which of the two budget forms should be used?

Section VII.A.3. of the SJI Grant Guideline encourages use of the spreadsheet format of Form C1 if the application requests \$100,000 or more. Form C1 also works well for projects with discrete tasks, regardless of the dollar value of the project. Form C, the tabular format, is preferred for projects lacking a number of discrete tasks, or for projects requiring less than \$100,000 of Institute funding. Generally, use the form that best lends itself to representing most accurately the budget estimates for the project.

9. How much detail should be included in the budget narrative?

The budget narrative of an application should provide the basis for computing all project-related costs, as indicated in section VII.D. of the SJI Grant Guideline. To avoid common shortcomings of application budget narratives, applicants should include the following information:

Personnel estimates that accurately provide the amount of time to be spent by personnel involved with the project and the total associated costs, including current salaries for the designated personnel (e.g., Project Director, 50% for one year, annual salary of \$50,000 = \$25,000). If salary costs are computed using an hourly or daily rate, the annual salary and number of hours or days in a work-year should be shown.

Estimates for supplies and expenses supported by a complete description of the supplies to be used, the nature and extent of printing to be done, anticipated telephone charges, and other common expenditures, with the basis for computing the estimates included (e.g., 100 reports \times 75 pages each \times .05/page = \$375.00). Supply and expense estimates offered simply as "based on experience" are not sufficient.

In order to expedite Institute review of the budget, make a final comparison of the amounts listed in the budget narrative with those listed on the budget form. In the rush to complete all parts of the application on time, there may be many last-minute changes; unfortunately, when there are discrepancies between the budget narrative and the budget form or the amount listed on the application cover

sheet, it is not possible for the Institute to verify the amount of the request. A final check of the numbers on the form against those in the narrative will preclude such confusion.

10. What travel regulations apply to the budget estimates?

Transportation costs and per diem rates must comply with the policies of the applicant organization, and a copy of the applicant's travel policy should be submitted as an appendix to the application. If the applicant does not have a travel policy established in writing, then travel rates must be consistent with those established by the Institute or the Federal Government (a copy of the Institute's travel policy is available upon request). The budget narrative should state which regulations are in force for the project.

The budget narrative also should include the estimated fare, the number of persons traveling, the number of trips to be taken, and the length of stay. The estimated costs of travel, lodging, ground transportation, and other subsistence should be listed and explained separately. It is preferable for the budget to be based on the actual costs of traveling to and from the project or meeting sites. If the points of origin or destination are not known at the time the budget is prepared, an average airfare may be used to estimate the travel costs. For example, if it is anticipated that a project advisory committee will include members from around the country, a reasonable airfare from a central point to the meeting site, or the average of airfares from each coast to the meeting site may be used. Applicants should arrange travel so as to be able to take advantage of advance-purchase price discounts whenever possible.

11. May grant funds be used to purchase equipment?

Generally, grant funds may be used to purchase only the equipment that is necessary to demonstrate a new technological application in a court, or that is otherwise essential to accomplishing the objectives of the project. The budget narrative must list the equipment to be purchased and explain why the equipment is necessary to the success of the project. Written prior approval is required when the amount of computer hardware to be purchased or leased exceeds \$10,000, or the software to be purchased exceeds \$3000.

12. To what extent may indirect costs be included in the budget estimates?

It is the policy of the Institute that all costs should be budgeted directly; however, if an indirect cost rate has been approved by a Federal agency within the last two years, an indirect cost recovery estimate may be included in the budget. A copy of the approved rate agreement should be submitted as an appendix to the application.

If an applicant does not have an approved rate agreement and cannot budget directly for all costs, an indirect cost rate proposal should be prepared in accordance with Section XI.H.4. of the Grant Guideline, based on the applicant's audited financial statements for the prior fiscal year. (Applicants lacking an audit should budget all project costs directly.)

13. What meeting costs may be covered with grant funds?

SJI grant funds may cover the reasonable cost of meeting rooms, necessary audio-visual equipment, meeting supplies, and working meals.

14. Does the budget truly reflect all costs required to complete the project?

After preparing the program narrative portion of the application, applicants may find it helpful to list all the major tasks or activities required by the proposed project, including the preparation of products, and note the individual expenses, including personnel time, related to each. This will help to ensure that, for all tasks described in the application (e.g., development of a videotape, research site visits, distribution of a final report), the related costs appear in the budget and are explained correctly in the budget narrative.

Recommendations To Grantees

The Institute's staff works with grantees to help assure the smooth operation of the project and compliance with the Guideline. On the basis of monitoring more than 1,600 grants, the Institute staff offers the following suggestions to aid grantees in meeting the administrative and substantive requirements of their grants.

1. After the grant has been awarded, when are the first quarterly reports due?

Quarterly Progress Reports and Financial Status Reports must be submitted within 30 days after the end of every calendar quarter—i.e. no later than January 30, April 30, July 30, and October 30—regardless of the project's start date. The reporting periods covered by each quarterly report end 30 days before the respective deadline for the

report. When an award period begins December 1, for example, the first Quarterly Progress Report describing project activities between December 1 and December 31 will be due on January 30. A Financial Status Report should be submitted even if funds have not been obligated or expended.

By documenting what has happened over the past three months, Quarterly Progress Reports provide an opportunity for project staff and Institute staff to resolve any questions before they become problems, and make any necessary changes in the project time schedule, budget allocations, etc. The Quarterly Project Report should describe project activities, their relationship to the approved timeline, and any problems encountered and how they were resolved, and outline the tasks scheduled for the coming quarter. It is helpful to attach copies of relevant memos, draft products, or other requested information. An original and one copy of a Quarterly Progress Report and attachments should be submitted to the Institute.

Additional Quarterly Progress Report or Financial Status Report forms may be obtained from the grantee's Program Manager at SJI, or photocopies may be made from the supply received with the award.

2. Do reporting requirements differ for renewal grants?

Recipients of a continuation or on-going support grant are required to submit quarterly progress and financial status reports on the same schedule and with the same information as recipients of a grant for a single new project.

A continuation grant and each yearly grant under an on-going support award should be considered as a separate phase of the project. The reports should be numbered on a grant rather than project basis. Thus, the first quarterly report filed under a continuation grant or a yearly increment of an on-going support award should be designated as number one, the second as number two, and so on, through the final progress and financial status reports due within 90 days after the end of the grant period.

3. What information about project activities should be communicated to SJI?

In general, grantees should provide prior notice of critical project events such as advisory board meetings or training sessions so that the Institute Program Manager can attend if possible. If methodological, schedule, staff, budget allocations, or other significant changes become necessary, the grantee should contact the Program Manager

prior to implementing any of these changes, so that possible questions may be addressed in advance. Questions concerning the financial requirements section of the Guideline, quarterly financial reporting, or payment requests, should be addressed to the Grants Financial Manager listed in the award letter.

It is helpful to include the grant number assigned to the award on all correspondence to the Institute.

4. Why is it important to address the special conditions that are attached to the award document?

In some instances, a list of special conditions is attached to the award document. Special conditions may be imposed to establish a schedule for reporting certain key information, to assure that the Institute has an opportunity to offer suggestions at critical stages of the project, and to provide reminders of some, but not all of the requirements contained in the Grant Guideline. Accordingly, it is important for grantees to check the special conditions carefully and discuss with their Program Manager any questions or problems they may have with the conditions. Most concerns about timing, response time, and the level of detail required can be resolved in advance through a telephone conversation. The Institute's primary concern is to work with grantees to assure that their projects accomplish their objectives, not to enforce rigid bureaucratic requirements. However, if a grantee fails to comply with a special condition or with other grant requirements, the Institute may, after proper notice, suspend payment of grant funds or terminate the grant.

Sections X., XI., and XII. of the Grant Guideline contain the Institute's administrative and financial requirements. Institute Finance Division staff are always available to answer questions and provide assistance regarding these provisions.

5. What is a Grant Adjustment?

A Grant Adjustment is the Institute's form for acknowledging the satisfaction of special conditions, or approving changes in grant activities, schedule, staffing, sites, or budget allocations requested by the project director. It also may be used to correct errors in grant documents or deobligate funds from the grant.

6. What schedule should be followed in submitting requests for reimbursements or advance payments?

Requests for reimbursements or advance payments may be made at any

time after the project start date and before the end of the 90-day close-out period. However, the Institute follows the U.S. Treasury's policy limiting advances to the minimum amount required to meet immediate cash needs. Given normal processing time, grantees should not seek to draw down funds for periods greater than 30 days from the date of the request.

7. Do procedures for submitting requests for reimbursement or advance payment differ for renewal grants?

The basic procedures are the same for any grant. A continuation grant or the yearly grant under an on-going support award should be considered as a separate phase of the project. Payment requests should be numbered on a grant rather than a project basis. The first request for funds from a continuation grant or a yearly increment under an on-going support award should be designated as number one, the second as number two, and so on through the final payment request for that grant.

8. If things change during the grant period, can funds be reallocated from one budget category to another?

The Institute recognizes that some flexibility is required in implementing a project design and budget. Thus, grantees may shift funds among direct cost budget categories. When any one reallocation or the cumulative total of reallocations are expected to exceed five percent of the approved project budget, a grantee must specify the proposed changes, explain the reasons for the changes, and request Institute approval.

The same standard applies to renewal grants. In addition, prior written Institute approval is required to shift leftover funds from the original award to cover activities to be conducted under the renewal award, or to use renewal grant monies to cover costs incurred during the original grant period.

9. What is the 90-day close-out period?

Following the last day of the grant, a 90-day period is provided to allow for all grant-related bills to be received and posted, and grant funds drawn down to cover these expenses. No obligations of grant funds may be incurred during this period. The last day on which an expenditure of grant funds can be obligated is the end date of the grant period. Similarly, the 90-day period is not intended as an opportunity to finish and disseminate grant products. This should occur before the end of the grant period.

During the 90 days following the end of the award period, all monies that have been obligated should be

expended. All payment requests must be received by the end of the 90-day "close-out-period." Any unexpended monies held by the grantee that remain after the 90-day follow-up period must be returned to the Institute. Any funds remaining in the grant that have not been drawn down by the grantee will be deobligated.

10. Are funds granted by SJI "Federal" funds?

The State Justice Institute Act provides that, except for purposes unrelated to this question, "the Institute shall not be considered a department, agency, or instrumentality of the Federal Government." 42 U.S.C. 10704(c)(1). Because SJI receives appropriations from Congress, some grantee auditors have reported SJI grants funds as "Other Federal Assistance." This classification is acceptable to SJI but is not required.

11. If SJI is not a Federal Agency, do OMB circulars apply with respect to audits?

Except to the extent that they are inconsistent with the express provisions of the SJI Grant Guideline, Office of Management and Budget (OMB) Circulars A-110, A-21, A-87, A-88, A-102, A-122, A-128 and A-133 are incorporated into the Grant Guideline by reference. Because the Institute's enabling legislation specifically requires the Institute to "conduct, or require each recipient to provide for, an annual fiscal audit" [see 42 U.S.C. § 10711(c)(1)], the Grant Guideline sets forth options for grantees to comply with this statutory requirement. (See Section XI.J.)

SJI will accept audits conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A-128, or A-133, in satisfaction of the annual fiscal audit requirement. Grantees that are required to undertake these audits in conjunction with Federal grants may include SJI funds as part of the audit even if the receipt of SJI funds would not require such audits. This approach gives grantees an option to fold SJI funds into the governmental audit rather than to undertake a separate audit to satisfy SJI's Guideline requirements.

In sum, educational and nonprofit organizations that receive payments from the Institute that are sufficient to meet the applicability thresholds of OMB Circular A-133 must have their annual audit conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States rather than with generally accepted auditing standards. Grantees in this category that receive amounts below the minimum threshold

referenced in Circular A-133 must also submit an annual audit to SJI, but they would have the option to conduct an audit of the entire grantee organization in accordance with generally accepted auditing standards; include SJI funds in an audit of Federal funds conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A-128 or A-133; or conduct an audit of only the SJI funds in accordance with generally accepted auditing standards. (See Guideline Section XI.J.) A copy of the above-noted circulars may be obtained by calling OMB at (202) 395-7250.

12. Does SJI have a CFDA number?

Auditors often request that a grantee provide the Institute's Catalog of Federal Domestic Assistance (CFDA) number for guidance in conducting an audit in accordance with Government Accounting Standards.

Because SJI is not a Federal agency, it has not been issued such a number, and there are no additional compliance tests to satisfy under the Institute's audit requirements beyond those of a standard governmental audit.

Moreover, because SJI is not a Federal agency, SJI funds should not be aggregated with Federal funds to determine if the applicability threshold of Circular A-133 has been reached. For example, if in fiscal year 1997 grantee "X" received \$10,000 in Federal funds from a Department of Justice (DOJ) grant program and \$20,000 in grant funds from SJI, the minimum A-133 threshold would not be met. The same distinction would preclude an auditor from considering the additional SJI funds in determining what Federal requirements apply to the DOJ funds.

Grantees who are required to satisfy either the Single Audit Act, OMB Circulars A-128, or A-133 and who include SJI grant funds in those audits, need to remember that because of its status as a private non-profit corporation, SJI is not on routing lists of cognizant Federal agencies. Therefore, the grantee needs to submit a copy of the audit report prepared for such a cognizant Federal agency directly to SJI. The Institute's audit requirements may be found in Section XI.J. of the Grant Guideline.

The following Grant Guideline is adopted by the State Justice Institute for FY 1999:

State Justice Institute Grant Guideline

Table of Contents

- I. Background
- II. Scope of the Program
- III. Definitions
- IV. Eligibility for Award

- V. Types of Projects and Grants; Size of Awards
- VI. Concept Paper Submission Requirements for New Projects
- VII. Application Requirements for New Projects
- VIII. Application Review Procedures
- IX. Renewal Funding Procedures and Requirements
- X. Compliance Requirements
- XI. Financial Requirements
- XII. Grant Adjustments
- Appendix I—List of State Contacts Regarding Administration of Institute Grants to State and Local Courts
- Appendix II—SJI Libraries: Designated Sites and Contacts
- Appendix III—Illustrative List of Model Curricula
- Appendix IV—Illustrative List of Replicable Projects
- Appendix V—State Justice Institute Scholarship Application Forms (Forms S1 and S2)
- Appendix VI—Line-Item Budget Form (Form E)
- Appendix VII—Certificate of State Approval Form (Form B)

I. Background

The Institute was established by Pub. L. 98–620 to improve the administration of justice in the State courts in the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, the Institute is charged, by statute, with the responsibility to:

- A. Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;
 - B. Foster coordination and cooperation with the Federal judiciary;
 - C. Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and
 - D. Encourage education for judges and support personnel of State court systems through national and State organizations, including universities.
- To accomplish these broad objectives, the Institute is authorized to provide funds to State courts, national organizations which support and are supported by State courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the State courts.

The Institute is supervised by an 11-member Board of Directors appointed by the President, by and with the consent of the Senate. The Board is statutorily composed of six judges, a State court administrator, and four members of the public, no more than two of whom can be of the same political party.

Through the award of grants, contracts, and cooperative agreements,

the Institute is authorized to perform the following activities:

- A. Support research, demonstrations, special projects, technical assistance, and training to improve the administration of justice in the State courts;
- B. Provide for the preparation, publication, and dissemination of information regarding State judicial systems;
- C. Participate in joint projects with Federal agencies and other private grantors;
- D. Evaluate or provide for the evaluation of programs and projects funded by the Institute to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the State courts;
- E. Encourage and assist in furthering judicial education;
- F. Encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and
- G. Be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

II. Scope of the Program

During FY 1999, the Institute will consider applications for funding support that address any of the areas specified in its enabling legislation. The Board, however, has designated 12 program categories as being of "special interest." See section II.B.

A. Authorized Program Areas

The Institute is authorized to fund projects addressing one or more of the following program areas listed in the State Justice Institute Act, the Battered Women's Testimony Act, the Judicial Training and Research for Child Custody Litigation Act, and the International Parental Kidnapping Crime Act.

- 1. Assistance to State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;
- 2. Education and training programs for judges and other court personnel for the performance of their general duties and for specialized functions, and national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

3. Research on alternative means for using judicial and nonjudicial personnel in court decisionmaking activities, implementation of demonstration programs to test such innovative approaches, and evaluations of their effectiveness;

4. Studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and support to States to implement plans for improved court organization and financing;

5. Support for State court planning and budgeting staffs and the provision of technical assistance in resource allocation and service forecasting techniques;

6. Studies of the adequacy of court management systems in State and local courts, and implementation and evaluation of innovative responses to records management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

7. Collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relates to and affects the work of courts;

8. Studies of the causes of trial and appellate court delay in resolving cases, and establishing and evaluating experimental programs for reducing case processing time;

9. Development and testing of methods for measuring the performance of judges and courts, and experiments in the use of such measures to improve the functioning of judges and the courts;

10. Studies of court rules and procedures, discovery devices, and evidentiary standards to identify problems with the operation of such rules, procedures, devices, and standards, and the development of alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and testing of the utility of those alternative approaches;

11. Studies of the outcomes of cases in selected areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity, and the development, testing, and evaluation of alternative approaches to resolving cases in such problem areas;

12. Support for programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public

satisfaction with court processes to improve court performance;

13. Testing and evaluating experimental approaches to provide increased citizen access to justice, including processes which reduce the cost of litigating common grievances, and alternative techniques and mechanisms for resolving disputes between citizens;

14. Collection and analysis of information regarding the admissibility and quality of expert testimony on the experiences of battered women offered as part of the defense in criminal cases under State law, as well as sources of and methods to obtain funds to pay costs incurred to provide such testimony, particularly in cases involving indigent women defendants;

15. Development of training materials to assist battered women, operators of domestic violence shelters, battered women's advocates, and attorneys to use expert testimony on the experiences of battered women in appropriate cases, and individuals with expertise in the experiences of battered women to develop skills appropriate to providing such testimony;

16. Research regarding State judicial decisions relating to child custody litigation involving domestic violence;

17. Development of training curricula to assist State courts to develop an understanding of, and appropriate responses to child custody litigation involving domestic violence;

18. Dissemination of information and training materials and provision of technical assistance regarding the issues listed in paragraphs 14–17 above;

19. Development of national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction;

20. Other programs, consistent with the purposes of the State Justice Institute Act, as may be deemed appropriate by the Institute, including projects dealing with the relationship between Federal and State court systems such as where there is concurrent State-Federal jurisdiction and where Federal courts, directly or indirectly, review State court proceedings.

Funds will not be made available for the ordinary, routine operation of court systems or programs in any of these areas.

B. Special Interest Program Categories

1. General Description.

The Institute is interested in funding both innovative programs and programs of proven merit that can be replicated in other jurisdictions. Although

applications in any of the statutory program areas are eligible for funding in FY 1999, the Institute is especially interested in funding those projects that:

a. Formulate new procedures and techniques, or creatively enhance existing arrangements to improve the courts;

b. Address aspects of the State judicial systems that are in special need of serious attention;

c. Have national significance by developing products, services, and techniques that may be used in other States; and

d. Create and disseminate products that effectively transfer the information and ideas developed to relevant audiences in State and local judicial systems, or provide technical assistance to facilitate the adaptation of effective programs and procedures in other State and local jurisdictions.

A project will be identified as a "Special Interest" project if it meets the four criteria set forth above and (1) it falls within the scope of the "special interest" program areas designated below, or (2) information coming to the attention of the Institute from the State courts, their affiliated organizations, the research literature, or other sources demonstrates that the project responds to another special need or interest of the State courts.

Concept papers and applications which address a "Special Interest" category will be accorded a preference in the rating process. (See the selection criteria listed in sections VI.B., "Concept Paper Submission Requirements for New Projects," and VIII.B., "Application Review Procedures.")

2. Specific Categories

The Board has designated the areas set forth below as "Special Interest" program categories. The order of listing does not imply any ordering of priorities among the categories.

a. *Improving Public Confidence in the Courts.* This category includes demonstration, evaluation, research, and education projects designed to improve the responsiveness of courts to public concerns regarding the fairness, equity, accessibility, timeliness, and comprehensibility of the court process, and test innovative methods for increasing the public's confidence in the State courts.

The Institute is particularly interested in supporting innovative projects that examine, develop, and test methods that trial or appellate courts may use to:

- Achieve more effectively the educational function of the court by clearly communicating information to

litigants and the public about judicial decisions, the trial and appellate court process, and court operations;

- Eliminate race, ethnic, and gender bias in the courts through innovative programs, procedures, materials, and court-community collaborations to help make courts more accessible, understandable, and inclusive for all segments of the communities they serve;
- Assure that judges and court employees meet the highest ethical standards and that judicial disciplinary procedures are known, fair, and effective;

- Address court-community problems resulting from the influx of legal and illegal immigrants, including projects to inform judges about the effects of recent Federal and State legislation regarding immigrants; design and assess procedures for use in custody, visitation, and other domestic relations cases when key family members or property are outside the United States; and develop protocols to facilitate service of process, the enforcement of orders of judgment, and the disposition of criminal and juvenile cases when a non-U.S. citizen or corporation is involved;

- Demonstrate and evaluate approaches courts can use to implement the concept of restorative justice, including methods for involving the community in the sentencing process;

- Test the impact of methods for improving juror comprehension in criminal and civil cases, including preparation and use of jury instructions in as "plain English" as possible, and providing access to videotaped instructions and testimony, electronically-based evidence, and other aids to comprehension in the jury room.

In addition, the Institute is interested in supporting projects to complement or enhance the National Conference on Unrepresented Litigants in Court, scheduled to be held in late 1999, and anticipates supporting projects to implement the action plans and findings developed at that Conference in fiscal year 2000. However, applicants are advised that **Institute funds may not be used to directly or indirectly support legal representation of individuals in specific cases.**

Previous SJI-supported projects that address these issues include: *Enhancing Court-Community Relationships: A National Town Hall Meeting Videoconference and projects to implement the action plans developed at the conference; national and State conferences on Enhancing Public Trust and Confidence in the Courts; educational materials for court employees on serving the public;*

surveys and focus groups to identify concerns about the courts and assess how courts are serving the needs of the public; a videotape on the role and operation of a State supreme court; a demonstration of the use of reparative community sentencing boards and community volunteers to monitor adult probationers and to monitor guardianships; evaluation of community-based court programs in New York City; and guidelines for court-annexed day-care systems;

Serving Unrepresented Litigants: A national conference on unrepresented litigants in courts; a guidebook on the extent of self-representation and the problems being encountered, and the procedures, and programs being used by courts to assist pro se litigants; educational materials and a benchbook to assist courts in responding to individuals and groups unwilling to comply with legal and administrative procedures; developing and evaluating various means by which courts can assist unrepresented litigants including local and Statewide self-service centers, touchscreen computer kiosks, videotapes, plain-English forms and other written materials; assessing effective and efficient methods for providing legal representation to indigent parties in criminal and family cases; and examining the methods courts in rural communities can use to assure access and fairness for immigrants;

Eliminating Race and Ethnic Bias in the Courts: Presenting a National Conference on Eliminating Race and Ethnic Bias in the Courts and supporting projects to implement the action plans developed at the conference; examining the applicability of various dispute resolution procedures to different cultural groups; and developing educational programs and materials for judges and court staff on diversity and related issues;

Facilitating the Use of Qualified Court Interpreters: Preparing a manual and other materials for managing and coordinating court interpretation services; developing basic and graduate level curricula and other materials for training and assisting court interpreters; and assessing the feasibility and effectiveness of interpreting in court via the telephone;

Improving Jury Service and Jury System Management: Developing a manual for implementing innovations in jury selection, use, and management; preparing a guide for making juries accessible to persons with disabilities; documenting methods for reducing juror stress; and assessing the effect of

allowing jurors to discuss the evidence prior to the deliberations on the verdict.

b. *Education and Training for Judges and Other Key Court Personnel.* The Institute is interested in supporting an array of projects that will continue to strengthen and broaden the availability of court education programs at the State, regional, and national levels. This category is divided into four subsections: (i) Innovative Educational Programs; (ii) Curriculum Adaptation Projects; (iii) Scholarships; and (iv) National Conferences.

i. *Innovative Educational Programs.* This category includes support for the development and pilot-testing of innovative, high-quality educational programs for judges or court personnel that address key substantive and administrative issues of concern to the nation's courts, or help local courts or State court systems develop or enhance their capacity to deliver quality continuing education. Programs may be designed for presentation at the local, State, regional, or national level. Ordinarily, court education programs should be based on some form of assessment of the needs of the target audience; include clearly stated learning objectives that delineate the new knowledge or skills that participants will acquire (as opposed to a description of what will be taught); incorporate adult education principles and multiple teaching/learning methods; and result in the development of a disseminable curriculum as defined in section III.J.

(a) The Institute is particularly interested in the development of education programs that:

- Include innovative self-directed learning packages for use by judges and court personnel, and distance-learning approaches to assist those who do not have ready access to classroom-centered programs. These packages and approaches should include the appropriate use of various media and technologies such as Internet-based programming, interactive CD-ROM or floppy disk-based programs, videos, or other audio and visual media, supported by written materials or manuals. They also should include a meaningful program evaluation and a self-evaluation process that assesses pre-and post-program knowledge and skills;
- Familiarize faculty with the effective use of instructional technology including methods for effectively presenting information through distance learning approaches including the Internet, videos, and satellite teleconferences;

- Assist local courts, State court systems, and court systems in a geographic region to develop or enhance

a comprehensive program of continuing education, training, and career development for judges and court personnel as an integral part of court operations;

- Test the effectiveness of including a variety of experiential instructional approaches in judicial branch education programs such as field studies and interchanges with community programs, organizations, and institutions; and

- Encourage intergovernmental teambuilding, collaboration, and planning among the judicial, executive, and legislative branches of government, or courts within a metropolitan area or multi-State region

(b) The Institute also is interested in supporting the development and testing of curricula on issues of critical importance to the courts, including those listed in the other Special Interest categories described in this Chapter.

ii. *Curriculum Adaptation Projects.* (a) *Description of the Program.* The Board is reserving up to \$160,000 to provide support for projects that adapt a model curriculum developed with SJI support and to pilot test it to determine its appropriateness, quality, and effectiveness for inclusion in the jurisdiction's judicial branch education program. An illustrative list of the curricula that may be appropriate for adaptation is contained in Appendix III.

The goal of the Curriculum Adaptation program is to provide State and local courts with sufficient support to modify a model curriculum, course module, or national or regional conference program developed with SJI funds so as to meet a State's or local jurisdiction's educational needs, to pilot-test it to determine its appropriateness, quality, and effectiveness, and train future instructors to enable them to make future presentations of the curriculum. It is anticipated that the adapted curriculum will become part of the grantee's ongoing educational offerings.

Only State or local courts may apply for Curriculum Adaptation funding. Grants to support adaptation of educational programs previously developed with SJI funds are limited to no more than \$20,000 each. As with other awards to State or local courts, cash or in-kind match must be provided in an amount equal to at least 50% of the grant amount requested.

(b) *Review Criteria and Procedures.* Curriculum Adaptation grants will be awarded on the basis of criteria including: the goals and objectives of the proposed project; the need for outside funding to support the program; the appropriateness of the educational approach in achieving the project's

educational objectives; the likelihood of effective implementation and integration into the State's or local jurisdiction's ongoing educational programming; and expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project. In making curriculum adaptation awards, the Institute will also consider factors such as the reasonableness of the amount requested, compliance with match requirements, diversity of subject matter, geographic diversity, the level of appropriations available in the current year, and the amount expected to be available in succeeding fiscal years.

The Board anticipates acting upon applications within 45 days after receipt. Grant funds will be available only after Board approval, and negotiation of the final terms of the grant.

(c) *Application Procedures.* In lieu of concept papers and formal applications, applicants should submit a detailed letter and three photocopies. Although there is no prescribed form for the letter, or a minimum or maximum page limit, letters of application should include the following information to assure that each of the review criteria listed above is addressed:

- *Project Description.* What is the title of the model curriculum to be adapted and who developed it? What are the project's goals? Why is this education program needed at the present time? What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content? Who would be responsible for adapting the model curriculum? Who would the participants be, how many would there be, how will they be recruited, and from where would they come (e.g., from across the State, from a single local jurisdiction, from a multi-State region)?

- *Need for Funding.* Why are sufficient State or local resources unavailable to fully support the modification and presentation of the model curriculum? What is the potential for replicating or integrating the program in the future using State or local funds, once it has been successfully adapted and tested?

- *Likelihood of Implementation.* What is the proposed timeline for modifying and presenting the program? Who would serve as faculty and how were they selected? What measures would be taken to facilitate subsequent presentations of the adapted program? (Ordinarily, an independent evaluation of a curriculum adaptation project is not required; however, the results of any

evaluation should be included in the final report.)

- *Expressions of Interest By Judges and/or Court Personnel.* Does the proposed program have the support of the court system leadership, and of judges, court managers, and judicial education personnel who are expected to attend? (This may be demonstrated by attaching letters of support.)

- *Budget and Matching State Contribution.* Applicants should attach a copy of *budget Form E* (see Appendix V) and a *budget narrative* (see Section VII.B.) that describes the basis for the computation of all project-related costs and the source of the match offered.

- *Chief Justice's Concurrence.* Local courts should attach a concurrence form signed by the Chief Justice of the State or his or her designee. (See Form B, Appendix VI.)

Letters of application may be submitted at any time. However, applicants should allow at least 90 days between the date of submission and the date of the proposed program to allow sufficient time for needed planning.

(d) *Grantee Responsibilities.* A recipient of a Curriculum Adaptation grant must:

- (1) Comply with the same quarterly reporting requirements as other Institute grantees (see Section X.L.);

- (2) Include in each grant product a prominent acknowledgment that support was received from the Institute, along with the "SIJ" logo and a disclaimer paragraph (See section X.Q.); and

- (3) Submit one copy of the manuals, handbooks, or conference packets developed under the grant at the conclusion of the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the program in the future.

iii. *Scholarships for Judges and Court Personnel.* The Institute is reserving up to \$200,000 to support a scholarship program for State court judges and court managers.

(a) *Program Description/Scholarship Amounts.* The purposes of the Institute scholarship program are to: enhance the skills, knowledge, and abilities of judges and court managers; enable State court judges and court managers to attend out-of-State educational programs sponsored by national and State providers that they could not otherwise attend because of limited State, local and personal budgets; and provide States, judicial educators, and the Institute with evaluative information on a range of judicial and court-related education programs.

Scholarships will be granted to individuals only for the purpose of attending an out-of-State educational program within the United States.

A scholarship may cover the cost of tuition and transportation up to a maximum total of \$1,500 per scholarship. (Transportation expenses include round-trip coach airfare or train fare. Recipients who drive to the site of the program may receive \$.31/mile up to the amount of the advanced purchase round-trip airfare between their home and the program site.) Funds to pay tuition and transportation expenses in excess of \$1,500, and other costs of attending the program such as lodging, meals, materials, transportation to and from airports, and local transportation (including rental cars) at the site of the education program, must be obtained from other sources or be borne by the scholarship recipient.

Scholarship applicants are encouraged to check other sources of financial assistance and to combine aid from various sources whenever possible. In addition, **scholarship recipients are encouraged to check with their tax advisor to determine whether the scholarship constitutes taxable income under Federal and State law.**

(b) *Eligibility Requirements.* Because of the limited amount of funds available:

- (1) Recipients. Scholarships can be awarded only to full-time judges of State or local trial and appellate courts; full-time professional, State or local court personnel with management responsibilities; and supervisory and management probation personnel in judicial branch probation offices. Senior judges, part-time judges, quasi-judicial hearing officers including referees and commissioners, State administrative law judges, staff attorneys, law clerks, line staff, law enforcement officers, and other executive branch personnel are not eligible to receive a scholarship.

- (2) Courses. Scholarships can be awarded only for courses presented in a U.S. jurisdiction other than the one in which the applicant resides that are designed to enhance the skills of new or experienced judges and court managers; address any of the topics listed in the Institute's Special Interest categories; or are offered by a recognized graduate program for judges or court managers. The annual or midyear meeting of a State or national organization of which the applicant is a member does not qualify as an out-of-State educational program for scholarship purposes, even though it may include workshops or other training sessions.

(c) *Application Procedures.* (1) Forms. Judges and court managers interested in

receiving a scholarship must submit the Institute's Judicial Education Scholarship Application Form and the written concurrence of the Chief Justice of their State's Supreme Court (or the Chief Justice's designee) on the Institute's Judicial Education Scholarship Concurrence form (Forms S1 & S2, see Appendix V). The signature of the presiding judge of the applicant's court cannot be substituted for that of the Chief Justice or the Chief Justice's designee. Court managers, other than elected clerks of court, also must submit a letter of support from their immediate supervisor.

An applicant may apply for a scholarship for only one educational program during any one application cycle.

(2) Dates. Scholarship applications with the accompanying documents must be submitted during the periods specified below:

October 1–December 1, 1998, for programs beginning between

January 1 and March 31, 1999;

January 8–March 8, 1999, for programs beginning between April 1 and June 30, 1999;

April 1–June 1, 1999, for programs beginning between July 1 and September 30, 1999;

July 1–September 1, 1999, for programs beginning between October 1 and December 31, 1999; and

October 1–December 1, 1999, for programs beginning between January 1 and March 31, 2000.

No exceptions or extensions will be granted. For the Scholarship application cycle beginning January 8, 1999 and all subsequent cycles, applications sent prior to the application period will be considered to have been sent one week *after the beginning of that application period*. All the required items must be received in order for an application to be considered. If the Concurrence form or letter of support is sent separately from the application, the postmark date of the last item to be sent will be used in applying the above criteria.

All applications should be sent by mail or courier (not fax or e-mail) to: **Scholarship Program Coordinator, State Justice Institute, 1650 King Street, Suite 600 Alexandria, VA 22314.**

Applicants are encouraged not to wait for the decision on the scholarship to register for the educational program they wish to attend.

(d) *Selection Criteria/Review Procedures*. Scholarships will be awarded on the basis of:

- The date on which the application and concurrence (and support letter, if required) were sent;

- The unavailability of State or local funds to cover the costs of attending the program or scholarship funds from another source;

- The absence of educational programs in the applicant's State addressing the topic(s) covered by the educational program for which the scholarship is being sought;

- Geographic balance among the recipients;

- The balance of scholarships among educational programs;

- The balance of scholarships among the types of courts represented; and

- The level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

The postmark or courier receipt will be used to determine the date on which the application form and other required items were sent.

The Institute intends to notify each applicant whether a scholarship has been approved within 30 days after the close of the relevant application period. The Institute will reserve sufficient funds each quarter to assure the availability of scholarships throughout the year.

(e) *Non-transferability*. A scholarship is not transferable to another individual. It may be used only for the course specified in the application unless attendance at a different course that meets the eligibility requirements is approved in writing by the Institute. Decisions on such requests will be made within 30 days after the receipt of the request letter.

(f) *Responsibilities of Scholarship Recipients*. Scholarship recipients are responsible for disseminating the information received from the course to their court colleagues locally, and if possible, throughout the State (e.g., by developing a formal seminar, circulating the written material, or discussing the information at a meeting or conference). Recipients also must submit to the Institute a certificate of attendance at the program, an evaluation of the educational program they attended, and a copy of the notice of any scholarship funds received from other sources. A copy of the evaluation must be sent to the Chief Justice of their State. A State or local jurisdiction may impose additional requirements on scholarship recipients.

In order to receive the funds authorized by a scholarship award, recipients must submit a Scholarship Payment Voucher (Form S3) together with a tuition statement from the program sponsor, and a transportation fare receipt (or statement of the driving mileage to and from the recipient's

home to the site of the educational program). Scholarship Payment Vouchers should be submitted within 90 days after the end of the course which the recipient attended.

iv. *National Conferences*. This category includes support for national conferences on topics of major concern to State court judges and personnel across the nation. Applicants are encouraged to consider the use of videoconference and other technologies to increase participation and limit travel expenses in planning and presenting conferences. In planning a conference, applicants should provide for a written, video, or computer-based product that would widely disseminate information, findings, and any recommendations resulting from the conference.

The Institute is particularly interested in supporting a National Symposium on Evaluating the Impact of "Future and the Courts" Activities. In the late 1980's, Virginia and Arizona established the first commissions on the future of their State courts. SJI contributed support to those commissions, and in May 1990, under a cooperative agreement with the American Judicature Society, convened a "National Conference on the Future and the Courts" in San Antonio. Over the next several years, almost every State court system established a "futures" commission, convened a futures conference, or engaged in some other long-range planning exercise. Each of those ventures produced a set of recommendations for steps that could be taken by the courts, the legislature, the bar, other professional disciplines, and the public to improve the administration of justice in the State. Anecdotal information suggests that, in many States, those recommendations produced significant long-term change in a number of areas but, in other States, little, if any, change occurred.

The purpose of the national conference would be to:

(a) Evaluate the impact of the national and State futures activities conducted over the past decade;

(b) Identify the reasons why some States were more successful than others in implementing change; and (c) Assess what steps can be taken or methods developed to:

(1) facilitate the recommended changes that are still appropriate;

(2) more fully institutionalize long-range planning by State court systems and, where appropriate, local courts; and

(3) assist each State court system or local court in identifying future trends that may significantly affect its ability to deliver justice.

The Board wishes to emphasize that it does not envision this conference as a second San Antonio conference. The purpose of the proposed conference should not be to develop trends, scenarios, and strategies for improving American courts over the next 30 years, but to meet the specific goals articulated above.

c. *Dispute Resolution and the Courts.* This category includes research, evaluation, and demonstration projects to evaluate or enhance the effectiveness of court-connected dispute resolution programs. The Institute is interested in projects that facilitate comparison among research studies by using similar measures and definitions; address the nature and operation of ADR programs within the context of the court system as a whole; and compare dispute resolution processes to attorney settlement as well as trial. Specific topics of interest include:

- Determining the appropriate timing for referrals to dispute resolution services to enhance settlements and reduce time to disposition;
- Assessing the effect of different referral methods including any differences in outcome between voluntary and mandatory referrals;
- Comparing the appropriateness and effectiveness of facilitative and evaluative mediation in various types of cases;
- Evaluating the effectiveness of the use of family group conferencing procedures in dependency, delinquency, and status offense cases;
- Evaluating innovative court-connected dispute resolution programs for resolving specific types of cases such as minor criminal cases, probate proceedings, land-use disputes, and complex and multi-party litigation;
- Testing of methods that courts can use to assure the quality of court-connected dispute resolution programs; and
- Developing methods to eliminate race, ethnic, or gender bias in court-connected dispute resolution programs, testing approaches for assuring that such programs are open to all members of the community served by the court, and assessing whether having a mediator pool that reflects the diversity of the community it serves, has an impact on the use of mediation by minorities and its effectiveness.

Applicants should be aware that the Institute will not provide operational support for on-going ADR programs or start-up costs of non-innovative ADR programs. Courts also should be advised that it is preferable for the applicant to use its funds to support the operational costs of an innovative

program and request Institute funds to support related technical assistance, training, and evaluation elements of the program.

In previous funding cycles, the Institute has supported projects to evaluate the use of mediation in civil, domestic relations, juvenile, guardianship, medical malpractice, appellate, and minor criminal cases, as well as in resolving grievances of court employees. SJI grants also have supported assessments of the impact of private judging on State courts; multi-door courthouse programs; arbitration of civil cases; screening and intake procedures for mediation; early referrals to mediation in divorce proceedings; and trial and appellate level civil settlement programs.

In addition, SJI has supported two national conferences on court-connected dispute resolution; a national ADR resource center and a national database of court-connected dispute resolution programs; training programs for judges and mediators; the testing of Statewide and trial court-based ADR monitoring/evaluation systems and implementation manuals; the promulgation and implementation of principles and policies regarding the qualifications, selection, and training of court-connected neutrals; development of standards for court-annexed mediation programs; development of guidelines to help mediators avoid conduct that may be considered the unauthorized practice of law; and an examination of the applicability of various dispute resolution procedures to different cultural groups.

d. *Application of Technology.* This category includes the testing of innovative applications of technology to improve the operation of court management systems and judicial practices at both the trial and appellate court levels.

The Institute seeks to support local experiments with promising but untested applications of technology in the courts that include an evaluation of the impact of the technology in terms of costs, benefits, and staff workload, and a training component to assure that staff is appropriately educated about the purpose and use of the new technology. In this context, "untested" refers to novel applications of technology developed for the private sector and other fields that have not previously been applied to the courts.

The Institute is particularly interested in supporting efforts to:

- Evaluate innovative approaches for filing pleadings and documents electronically;

- Develop model rules or standards to govern the use of electronic filing, electronic notices, and electronic data and document interchange;

- Test innovative telecommunications links among courts, and between courts and executive branch or private agencies and services.

- Test innovative applications of voice recognition technology by judges and clerks in the adjudication process;

- Evaluate and document the innovative uses of technology to improve jury management;

- Assess the impact of the use of comprehensive electronic court records systems on case management and court procedures;

- Demonstrate and evaluate the use of technology to assist judicial decisionmaking;

- Evaluate the use of digital audio and video technology for making a record of court proceedings;

- Demonstrate and evaluate the use of videoconferencing technology to present testimony by witnesses in remote locations, and appellate arguments (but see the limitations specified below);

- Assess the impact of the use of multimedia CD-ROM-based briefs on the courts, parties, counsel, and the trial or appellate process;

- Assist courts in determining the policies and procedures that should govern public access to information filed in electronically stored case records; and

- Assist courts in identifying and solving potential "Year 2000" problems.

Ordinarily, the Institute will not provide support for the purchase of equipment or software in order to implement a technology that is commonly used by courts, such as videoconferencing between courts and jails, optical imaging for recordkeeping, and automated management information systems. (See also section XI.H.2.b. regarding other limits on the use of grant funds to purchase equipment and software.)

In previous funding cycles, grants have been awarded to support projects that: demonstrate, document, and evaluate the availability of electronic forms and information on the Internet to assist pro se litigants; access to case data via the Internet; electronic filing and document transfer; an electronic document management system; a court management information display system; the integration of bar-coding technology with an existing automated case management system; an on-bench automated system for generating and processing court orders; an automated judicial education management system; a document management system for

small courts using imaging technology; a computerized citizen intake and referral service; an "analytic judicial desktop system" to assist judges in making sentencing decisions; the application of voice-recognition technology to stenomask reporting; and the use of automated teller machines for paying jurors.

Grants have also supported national court technology conferences; a court technology laboratory to provide judges and court managers an opportunity to test automated court-related hardware and software; a technical information service to respond to specific inquiries concerning court-related technologies; development of recommendations for electronic transfer of court documents, model rules on the use of computer-generated demonstrative evidence and electronic documentary evidence, and guidelines on privacy and public access to electronic court information and on court access to the information superhighway; implementation and evaluation of a Statewide automated integrated case docketing and record-keeping system; computer simulation models to assist State courts in evaluating potential strategies for improving civil caseflow; and an examination of the impact of the use of technology in the trial process.

e. *Court Planning, Management, Financing.* The Institute is interested in supporting projects that explore emerging issues that will affect the State courts as they enter the 21st Century, as well as projects that develop and test innovative approaches for managing the courts, and securing, managing, and demonstrating the effective use of the resources required to fully meet the responsibilities of the judicial branch, and institutionalizing long-range planning processes. In particular the Institute is interested in:

i. Demonstration, evaluation, education, research, and technical assistance projects to:

- Develop, implement, and assess innovative case management techniques for specialized calendars including but not limited to drug courts, domestic violence courts, juvenile courts, and family courts;
- Facilitate communication, information sharing, and coordination between the juvenile and criminal courts;
- Assess the effects of innovative management approaches designed to assure quality services to court users;
- Strengthen the judge's and court manager's skills in leadership, planning, and building community confidence in the courts;

- Develop and test innovative educational programs and materials to enhance the core competencies required of court managers and staff;
- Develop and test methods for facilitating and implementing change and for encouraging excellence in court operations;

• Demonstrate and assess the effective use of staff teams in court operations; and

- Implement and evaluate approaches for institutionalizing long-range strategic planning in individual States and local jurisdictions including development of the capacity to conduct environmental scanning, trends analysis, and benchmarking.

ii. Demonstration, evaluation, education, technical assistance, and research projects to implement the National Agenda for Assuring Prompt and Affordable Justice in the 21st Century, including projects to:

- Document and publicize successful innovative programs and practices and establish mentor courts to assist other jurisdictions in reducing litigation costs and delay.

• Develop and test rules and procedures that will establish economic and other incentives that reduce the cost and time required for the resolution of disputes.

- Examine and test how the techniques applied to pretrial caseflow management and trial management in general jurisdiction court civil and criminal cases can be used to reduce the cost and time required in limited jurisdiction high volume courts, domestic relations proceedings, cases involving children, and post-adjudication matters.

iii. The preparation of "think pieces" exploring emerging issues that may result in significant changes in the court process or judicial administration and their implications for judges, court managers, policymakers, and the public. Grants supporting such projects are limited to no more than \$10,000. The resulting essay should be directed to the court community and be of publishable quality.

Possible topics include, but are not limited to:

- the implications on court procedures, court operations, and judicial selection of the changing expectations about the proper role of courts—from adjudicators to problem solvers;
- the proper balance between collaboration with the community and judicial independence;
- the implications of the increasing commerce via the Internet for the State courts—what special problems may

arise and what new rules and procedures may be needed to address those problems;

- how the increased litigation resulting from the North American Free Trade Agreement and the global integration of business affect the State courts—are special rules and procedures needed?

• what the new "community courts" can learn from the experience of the old justice of the peace courts,

- the appropriateness of modifying methods for selecting, qualifying, and using juries; and

• the likely extent, nature, and impact on the courts of litigation arising from "Year 2000" problems.

In previous funding cycles, the Institute has supported national and Statewide "future and the courts" conferences and training; curricula, guidebooks, a video on visioning, and a long-range planning guide for trial courts; the testing of coordinated State/local approaches to institutionalizing long-range planning by the courts; and technical assistance to courts conducting futures and long-range planning.

SJI has also supported technical assistance and training to assist jurisdictions establish court-led multi-agency teams to address critical community problems; executive management programs for teams of judges and court administrators; a test of the feasibility of implementing the Trial Court Performance Standards in general jurisdiction and family courts; Appellate Court Performance Standards and Measures; tests of the use of TQM approaches in trial and appellate court and State court administrative offices; revision of the Standards on Judicial Administration; projects identifying the causes of delay in trial and appellate courts; the preparation of a national agenda for assuring prompt and affordable justice and the development of educational programs for reducing litigation cost and delay in civil, criminal, domestic relations, and juvenile courts; the testing of various types of weighted caseload systems; a National Interbranch Conference on Funding the State Courts; and National Symposia on Court Management.

f. *Managed Care and the Courts.* The First National Conference on Managed Care and the Criminal Justice System, held June 28–30, 1998 in Albuquerque, highlighted what many judges and court personnel need to know about the implications of managed care for the courts and for court-ordered substance abuse, mental health, and other services. Accordingly, the Institute is interested

in supporting educational, research, and demonstration projects to:

- Develop and test State, regional, and local educational programs for judges and court staff on the implications of managed care for the provision of drug and alcohol treatment, mental health treatment, and other services to adult and juvenile offenders, neglected and abused children and their families, and persons subject to civil commitment. In addition to defining managed care principles and procedures, the curricula and materials (which could include modules for use at State judicial conferences and meetings of State clerk and court managers associations) should cover such matters as: (i) strategies for ensuring that contracts with managed care organizations satisfactorily address court concerns such as protecting public safety, dealing appropriately with non-compliance by a person under court order, reporting, providing ancillary services, and (ii) assuring the continuity and prompt provision of ordered services; and methods for establishing collaborative public sector managed care programs for court-ordered services.

- Draft model managed care contract provisions and letters of agreement for the provision of court-ordered treatment and services to adults and juveniles.

- Develop and test performance measures to determine the quality and appropriateness of court-ordered treatment and services.

- Document public sector and private sector managed care programs that effectively provide court-ordered treatment and other services to adults and juveniles.

g. **Substance Abuse.** This category includes education, technical assistance, research, and evaluation projects to assist courts in handling a large volume of substance abuse-related criminal, civil, juvenile, and domestic relations cases fairly and expeditiously. **(It does not include providing support for planning, establishing, operating, or enhancing a local drug court.**

Applicants interested in obtaining grants to plan, implement, operate, or enhance a drug court program should contact the Drug Court Program Office, Office of Justice Programs, U.S. Department of Justice.)

The Institute is particularly interested in projects to:

- Evaluate the effectiveness of "family drug court" programs (i.e. specialized calendars that provide intensely supervised, court-enforced substance abuse treatment and other services to families involved in child

neglect, child abuse, domestic violence, or other family cases);

- Develop a self-evaluation guide for "juvenile drug court" programs;

- Develop and test curricula on the specific knowledge and skills needed to manage drug court programs for adults, juveniles, or families.

- Develop and test effective approaches for identifying and treating substance abuse by judges, lawyers, and court staff, and determining and lessening the impact on the courts of such substance abuse.

The Institute has supported the presentation of the 1995 National Symposium on the Implementation and Operation of Court-Enforced Drug Treatment Programs as well as the 1991 National Conference on Substance Abuse and the Courts, and efforts to implement the State and local plans developed at these Conferences.

It has also supported projects to evaluate court-enforced treatment programs, and other court-based alcohol and drug assessment programs; develop a self-evaluation guide for drug courts; test the applicability of drug courts in non-urban sites and develop guidance for jurisdictions establishing juvenile drug courts; involve community groups and families in drug court programs; assess the impact of legislation and court decisions dealing with drug-affected infants; develop strategies for coping with increasing caseload pressures, and benchbooks and other educational materials on child abuse and neglect cases involving parental substance abuse and appropriate sentences for pregnant substance abusers; test the use of a dual diagnostic treatment model for domestic violence cases in which substance abuse was a factor; and present local and regional educational programs for judges and other court personnel on substance abuse and its treatment. In addition, SJI has supported an information system that permits courts, criminal justice agencies, and drug treatment providers to share information electronically.

h. **Children and Families in Court.**

This category includes education, demonstration, evaluation, technical assistance, and research projects to identify and inform judges of innovative, effective approaches for handling cases involving children and families. The Institute is particularly interested in projects to:

- Develop and test innovative protocol, procedures, educational programs, and other measures to determine and address the service needs of children exposed to family violence and the methods for mitigating those

effects when issuing protection, custody, visitation, or other orders;

- Develop and test guidelines, curricula, and other materials to assist judges in establishing and enforcing custody, and support orders in cases in which a child's parents were never married to each other;

- Develop and test effective approaches for the detention, adjudication, and disposition of juveniles under age 13 who are accused of involvement in a violent offense;

- Develop and test procedures and programs to include victims of offenses committed by juveniles in the juvenile court process (other than victim-offender mediation programs);

- Create and test educational programs, guidelines, and monitoring systems to assure that the juvenile justice system meets the needs of girls and children of color;

- Develop and test innovative techniques for improving communication, sharing information, and coordinating juvenile and criminal courts and divisions;

- Design or evaluate information systems that not only provide aggregate data, but are able to track individual cases, individual juveniles, and specific families, so that judges and court managers can manage their caseloads effectively, track placement and service delivery, and coordinate orders in different proceedings involving members of the same family; and

- Develop and test educational programs to assure that everyone coming into contact with courts serving children and families are treated with dignity, respect, and courtesy.

See also the topics listed in the Special Interest Category on Managed Care and the Courts (section II.B.2.f.)

In previous funding cycles, the Institute supported national and State conferences on courts, children, and the family; a review of juvenile courts in light of the upcoming 100th anniversary of the founding of the first juvenile court; testing of alternative models for achieving the goals of a family court without altering court structure; the authority of the juvenile court to enforce treatment orders and the role of juvenile court judges; validation of a risk assessment tool for juvenile offenders; and an assessment of the effectiveness of various intervention strategies for young violent offenders and for low-risk juvenile offenders.

In addition, the Institute has supported a symposium on the resolution of interstate child welfare issues; and educational materials on the questioning of child witnesses, determining the best interest of a child

and making reasonable efforts to preserve families, adjudicating allegations of child sexual abuse when custody is in dispute, child victimization, handling child abuse and neglect cases when parental substance abuse is involved, and on children as the silent victims of spousal abuse.

Other Institute grants have supported the development of computer-based training on the Uniform Interstate Family Support Act, and the examination of supervised visitation programs, effective court responses when domestic violence and custody disputes coincide, and foster care review procedures.

The Institute also has supported projects to enhance coordination of cases involving the same family that are being heard in different courts; develop an MIS system to link the court with executive branch and private juvenile justice agencies and services; assist States considering establishment of a family court; develop national and State-based training materials for guardians ad litem as well as a set of performance measures; test the use of differentiated case management in juvenile court and methods for reducing the use of continuances; and develop innovative approaches for coordinating the appointment of guardians and Federal representative payees for disabled persons.

i. *Improving the Courts' Response to Domestic Violence.* This category includes innovative education, demonstration, technical assistance, evaluation, and research projects to improve the fair and effective processing, consideration, and disposition of cases concerning domestic violence and gender-related violent crimes, including projects to:

- Develop and test methods for facilitating recognition and enforcement of protection orders issued by a State, Federal, or Tribal court in another jurisdiction;
- Determine the effective use of information contained in protection order files stored in court electronic databases consistent with the protection of the privacy and safety of victims of violence;
- Evaluate the effectiveness of domestic violence courts (i.e., specialized calendars or divisions for considering domestic violence cases and related matters), including their impact on victims, offenders, and court operations;
- Assess the effectiveness of including jurisdiction over family violence in a unified family court;
- Demonstrate effective ways to coordinate the response to domestic

violence and gender-related crimes of violence among courts, criminal justice agencies, and social services programs, and to assure that courts are fully accessible to victims of domestic violence and other gender-related violent crimes;

- Test the effectiveness of innovative sentencing and treatment approaches in cases involving domestic violence and other gender-related crimes including sentences that incorporate restorative justice measures.

Institute funds may not be used to provide operational support to programs offering direct services or compensation to victims of crimes.

(Applicants interested in obtaining such operational support should contact the Office for Victims of Crime (OVC), Office of Justice Programs, U.S. Department of Justice, or the agency in their State that awards OVC funds to State and local victim assistance and compensation programs.)

In previous funding cycles, the Institute supported national and State conferences on family violence and the courts as well as projects to implement the action plans developed at these conferences; preparation of descriptions of innovative court practices in family violence cases, including programs for battered mothers and their children; and development of recommendations on how to improve access to rural courts for victims of family violence, conduct fatality reviews, and collect and report dispositional and other data concerning family violence cases.

The Institute also supported a national conference, national and regional symposia, and the development of guides on the implementation of the full faith and credit requirements included in the Violence Against Women Act; and the drafting of a proposed uniform statute on the recognition of protection orders from other jurisdictions.

In addition, Institute grants have resulted in the development of curricula for judges on a range of topics regarding the handling of family violence, rape, and sexual assault cases; evaluations of the effectiveness of specialized domestic violence calendars, court-ordered treatment for family violence offenders, the use of alternatives to adjudication in child abuse cases, and procedures to improve the effectiveness of civil protection orders for family violence victims; research on the use of mediation in domestic relations cases involving allegations of violence, the relevancy of culture in adjudicating and disposing of family violence cases, and effective sentencing of sex offenders; and analyses of the issues related to the

use of expert testimony in criminal cases involving domestic violence.

The Institute also has funded testing of procedures for coordinating multiple cases involving a single family and for electronic filing of petitions for protection orders; development of links among courts, criminal justice agencies, and service providers to share information and assist victims of violence; and the production of videotapes and other educational programs for the parties in divorce actions and their children.

j. *Improving Sentencing Practices.* This category includes education, demonstration, technical assistance, evaluation, and research projects to address and implement the findings and recommendations reached at the National Symposium on Sentencing: The Judicial Response to Crime. In particular, the Institute is interested in projects to:

- Identify and document effective sentencing approaches for particular types of offenders and offenses including juvenile offenders tried as adults;
- Improve public understanding of sentencing options and approaches and their cost and effectiveness;
- Eliminate disparities in sentencing on the basis of race, gender, ethnicity, national origin, and income;
- Assess effective and appropriate approaches for sentencing mentally ill and mentally retarded offenders; and
- Develop and test educational programs and materials for judges on evaluating expert testimony regarding sex offenders; appropriate and effective sentencing and treatment of sex offenders; and assuring the safety of the victim, the public, and the offender when a community-based sentence is imposed.

See also the paragraph on developing and testing the effectiveness of sentences based on restorative justice principles in section II.B.2.a. and the topics listed in the Special Interest category on Managed Care and the Courts, section II.B.2.f.

In addition to the National Symposium on Sentencing, the Institute has supported development of a handbook, educational materials, symposia, and technical assistance on the appropriate and effective use of intermediate sanctions; tests of the use of day-fines, community reparation boards, special court-ordered programs for women offenders, and various fine and restitution collection programs; and presentation of a regional conference on implementation of sentencing innovations.

k. Improving Court Security. This category includes demonstration, evaluation, technical assistance, education, and research projects to enhance the security of courthouses and the people who use and work in them. The Institute is particularly interested in supporting innovative projects to:

- Develop policies, protocols, and procedures designed to prevent harassment, threats, and incidents endangering the lives and property of judges, court employees, jurors, litigants, witnesses, and other members of the public in court facilities;

- Evaluate innovative applications of technology to prevent courthouse incidents that endanger the lives and property of judges, court personnel, and courtroom participants; and

- Develop and test model training programs that will assist judges and court personnel in protecting their safety and that of jurors, litigants, witnesses, and other members of the public in court facilities, and in managing cases involving individuals or organizations unwilling to cooperate with legal or administrative procedures.

In previous funding cycles, the Institute has supported Statewide strategic planning to enhance court security; a demonstration project to organize sharing of court security staff between counties; a court security clearinghouse; and an educational program and benchmark on the common law court movement.

l. The Relationship Between State and Federal Courts. This category includes education, research, demonstration, and evaluation projects designed to facilitate appropriate and effective communication, cooperation, and coordination between State and Federal courts. The Institute is particularly interested in innovative projects that:

- i. Develop and test curricula and disseminate information regarding effective methods being used at the trial court, State, and Circuit levels to coordinate cases and administrative activities, and share facilities; and

- ii. Develop and test new approaches to:

- Implement the habeas corpus provisions of the Anti-Terrorism Act of 1996;

- Handle capital habeas corpus cases fairly and efficiently;

- Coordinate and process mass tort cases fairly and efficiently at the trial and appellate levels;

- Coordinate cases in which there is concurrent jurisdiction including State and Federal cases brought under the Violence Against Women Act;

- Develop a guidebook for judges to assist in determining whether punitive

damages should be awarded, calculating the amount in which they should be awarded, and instructing jurors regarding these issues.

- Exchange information and coordinate calendars among State and Federal courts; and

- Share facilities, jury pools, alternative dispute resolution programs, information regarding persons on pretrial release or probation, and court services.

In previous funding cycles, the Institute has supported national and regional conferences on State-Federal judicial relationships, a national conference on mass tort litigation, and the Chief Justices' Special Committee on Mass Tort Litigation.

In addition, the Institute has supported projects testing the use common electronic filing process for the State and Federal courts in New Mexico, and other methods of State and Federal trial and appellate court cooperation; developing judicial impact statement procedures for national legislation affecting State courts; establishing procedures for facilitating certification of questions of law; assessing the impact on the State courts of diversity cases and cases brought under section 1983, the procedures used in Federal habeas corpus review of State court criminal cases, and the factors that motivate litigants to select Federal or State courts; and the mechanisms for transferring cases between Federal and State courts, as well as the methods for effectively consolidating, deciding, and managing complex litigation.

The Institute has also supported a clearinghouse of information on State constitutional law decisions; educational programs for State judges on coordination of Federal bankruptcy cases with State litigation as well as research on the impact of bankruptcy stays on State litigation; and the assignment of specialized law clerks to trial courts hearing capital cases in order to improve the fairness and efficiency of death penalty litigation at the trial level.

C. Single Jurisdiction Projects

The Board will consider supporting a limited number of projects submitted by State or local courts that address the needs of only the applicant State or local jurisdiction. The Institute has established two categories of Single Jurisdiction Projects:

1. Projects Addressing a Critical Need of a Single State or Local Jurisdiction Including "Replication Grants"

a. *Description of the Program.* The Board will set aside up to \$300,000 to

support projects submitted by State or local courts that address the needs of only the applicant State or local jurisdiction. A project under this section may address any of the topics included in the Special Interest Categories or Statutory Program Areas. Ordinarily, the Institute will not provide support solely for the purchase of equipment or software.

Concept papers for single jurisdiction projects may be submitted by a State court system, an appellate court, or a limited or general jurisdiction trial court. All awards under this category are subject to the matching requirements set forth in section X.B.1.

The Board is particularly interested in supporting projects to replicate programs, procedures, or strategies that have been developed, demonstrated, or evaluated through an SJI grant. (A list of examples of such grants is contained in Appendix IV.) Replication grants are subject to the same limits on amount and duration as other project grants. (See section V.)

b. *Application Procedures.* Concept papers and applications requesting funds for projects under this section must meet the requirements of sections VI. ("Concept Paper Submission Requirements for New Projects") and VII. ("Application Requirements"), respectively, and must demonstrate that:

- i. The proposed project is essential to meeting a critical need of the jurisdiction; and

- ii. The need cannot be met solely with State and local resources within the foreseeable future.

2. Technical Assistance Grants

a. *Description of the Program.* The Board will set aside up to \$400,000 to support the provision of technical assistance to State and local courts. The exact amount to be awarded for these grants will depend on the number and quality of the applications submitted in this category and other categories of the Guideline. The Committee will reserve sufficient funds each quarter to assure the availability of technical assistance grants throughout the year. The program is designed to provide State and local courts with sufficient support to obtain technical assistance to diagnose a problem, develop a response to that problem, and initiate implementation of any needed changes.

Technical Assistance grants are limited to no more than \$30,000 each, and may cover the cost of obtaining the services of expert consultants; travel by a team of officials from one court to examine a practice, program, or facility in another jurisdiction that the applicant court is interested in

replicating; or both. Technical assistance grant funds ordinarily may not be used to support production of a videotape. Normally, the technical assistance must be completed within 12 months after the start-date of the grant.

b. *Eligibility for Technical Assistance Grants.* Only a State or local court may apply for a Technical Assistance grant. As with other awards to State or local courts, cash or in-kind match must be provided equal to at least 50% of the grant amount.

c. *Review Criteria.* Technical Assistance grants will be awarded on the basis of criteria including: whether the assistance would address a critical need of the court; the soundness of the technical assistance approach to the problem; the qualifications of the consultant(s) to be hired, or the specific criteria that will be used to select the consultant(s); commitment on the part of the court to act on the consultant's recommendations; and the reasonableness of the proposed budget. The Institute also will consider factors such as the level and nature of the match that would be provided, diversity of subject matter, geographic diversity, the level of appropriations available to the Institute in the current year, and the amount expected to be available in succeeding fiscal years.

d. *Application Procedures.* In lieu of formal applications, applicants for Technical Assistance grants may submit, at any time, an original and three copies of a detailed letter describing the proposed project and addressing the issues listed below. Letters from an individual trial or appellate court must be signed by the presiding judge or manager of that court. Letters from the State court system must be signed by the Chief Justice or State Court Administrator.

Although there is no prescribed form for the letter nor a minimum or maximum page limit, letters of application should include the following information to assure that each of the criteria is addressed:

i. *Need for Funding.* What is the critical need facing the court? How will the proposed technical assistance help the court meet this critical need? Why cannot State or local resources fully support the costs of the required consultant services?

ii. *Project Description.* What tasks would the consultant be expected to perform and how would they be accomplished? Which organization or individual would be hired to provide the assistance and how was this consultant selected? If a consultant has not yet been identified, what procedures and criteria would be used to select the

consultant? (Applicants are expected to follow their jurisdiction's normal procedures for procuring consultant services.) What is the time frame for completion of the technical assistance? How would the court oversee the project and provide guidance to the consultant, and who at the court would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the consultant has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time period and for the proposed cost. The consultant must agree to submit a detailed written report to the court and the Institute upon completion of the technical assistance.

iii. *Likelihood of Implementation.* What steps have been/will be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance? For example, if the support or cooperation of specific court officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant will be needed to adopt the changes recommended by the consultant and approved by the court, how will they be involved in the review of the recommendations and development of the implementation plan?

iv. *Budget and Matching State Contribution.* A completed Form E, "Preliminary Budget" (see Appendix V) and budget narrative must be included with the applicant's letter requesting technical assistance. The estimated cost of the technical assistance services should be broken down into the categories listed on the budget form rather than aggregated under the Consultant/Contractual category.

The budget narrative should provide the basis for all project-related costs, including the basis for determining the estimated consultant costs, if compensation of the consultant is required (e.g., number of days per task times the requested daily consultant rate). **Applicants should be aware that consultant rates above \$300 per day must be approved in advance by the Institute, and that no consultant will be paid at a rate in excess of \$900 per day.** In addition, the budget should provide for submission of two copies of the consultant's final report to the Institute.

Recipients of technical assistance grants do not have to submit an audit, but must maintain appropriate

documentation to support expenditures. (See section X.M.)

v. *Support for the Project from the State Supreme Court or its Designated Agency or Council.* Written concurrence on the need for the technical assistance must be submitted. This concurrence may be a copy of SJI Form B (see Appendix VI) signed by the Chief Justice of the State Supreme Court or the Chief Justice's designee, or a letter from the State Chief Justice or designee. The concurrence may be submitted with the applicant's letter or under separate cover prior to consideration of the application. The concurrence also must specify whether the State Supreme Court would receive, administer, and account for the grant funds, if awarded, or would designate the local court or a specified agency or council to receive the funds directly.

Letters of application may be submitted at any time; however, all of the letters received during a calendar quarter will be considered at one time. Applicants submitting letters between June 12 and **September 30, 1998** will be notified of the Board's decision by December 11, 1998; those submitting letters between October 1, 1998 and **January 15, 1999** will be notified by March 31, 1999; notification of the Board's decisions concerning letters mailed between January 16 and **March 12, 1999**, will be made by May 28, 1999; notice of decisions regarding letters submitted between March 13 and **June 11, 1999** will be made by August 31, 1999. Subject to the availability of sufficient appropriations for fiscal year 2000, applicants submitting letters between June 12 and **September 30, 1999**, will be notified by December 17, 1999.

If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation should accompany the application letter. Support letters also may be submitted under separate cover; however, to ensure that there is sufficient time to bring them to the attention of the Board's Technical Assistance Committee, letters sent under separate cover must be received not less than three weeks prior to the Board meeting at which the technical assistance requests will be considered (i.e., by October 30, 1998, and February 11, April 9, and July 16, 1999).

vi. *Grantee Responsibilities.* Technical Assistance grant recipients are subject to the same quarterly reporting requirements as other Institute grantees. At the conclusion of the grant period, a

Technical Assistance grant recipient must complete a Technical Assistance Evaluation Form. The grantee also must submit to the Institute one copy of a final report that explains how it intends to act on the consultant's recommendations, as well as a copy of the consultant's written report.

III. Definitions

The following definitions apply for the purposes of this Guideline:

A. Institute

The State Justice Institute.

B. State Supreme Court

The highest appellate court in a State, or, for the purposes of the Institute program, a constitutionally or legislatively established judicial council that acts in place of that court. In States having more than one court with final appellate authority, State Supreme Court shall mean that court which also has administrative responsibility for the State's judicial system. State Supreme Court also includes the office of the court or council, if any, it designates to perform the functions described in this Guideline.

C. Designated Agency or Council

The office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer, and be accountable for those funds.

D. Grantee

The organization, entity, or individual to which an award of Institute funds is made. For a grant based on an application from a State or local court, grantee refers to the State Supreme Court or its designee.

E. Subgrantee

A State or local court which receives Institute funds through the State Supreme Court.

F. Match

The portion of project costs not borne by the Institute. Match includes both in-kind and cash contributions. Cash match is the direct outlay of funds by the grantee to support the project. In-kind match consists of contributions of time, services, space, supplies, etc., made to the project by the grantee or others (e.g., advisory board members) working directly on the project. Under normal circumstances, allowable match may be incurred only during the project period. When appropriate, and with the prior written permission of the Institute,

match may be incurred from the date of the Board of Directors' approval of an award. Match does not include project-related income such as tuition or revenue from the sale of grant products, or the time of participants attending an education program. Amounts contributed as cash or in-kind match may not be recovered through the sale of grant products during or following the grant period.

G. Continuation Grant

A grant of no more than 24 months to permit completion of activities initiated under an existing Institute grant or enhancement of the products or services produced during the prior grant period.

H. On-going Support Grant

A grant of up to 36 months to support a project that is national in scope and that provides the State courts with services, programs or products for which there is a continuing important need.

I. Human Subjects

Individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions and/or experiences through an interview, questionnaire, or other data collection technique.

J. Curriculum

The materials needed to replicate an education or training program developed with grant funds including, but not limited to: the learning objectives; the presentation methods; a sample agenda or schedule; an outline of presentations and other instructors' notes; copies of overhead transparencies or other visual aids; exercises, case studies, hypotheticals, quizzes and other materials for involving the participants; background materials for participants; evaluation forms; and suggestions for replicating the program including possible faculty or the preferred qualifications or experience of those selected as faculty.

K. Products

Tangible materials resulting from funded projects including, but not limited to: curricula; monographs; reports; books; articles; manuals; handbooks; benchbooks; guidelines; videotapes; audiotapes; computer software; and CD-ROM disks.

IV. Eligibility for Award

In awarding funds to accomplish these objectives and purposes, the Institute has been authorized by

Congress to award grants, cooperative agreements, and contracts to State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)); national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments (42 U.S.C. 10705 (b)(1)(B)); and national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments (42 U.S.C. 10705(b)(1)(C)).

An applicant will be considered a national education and training applicant under section 10705(b)(1)(C) if: (1) the principal purpose or activity of the applicant is to provide education and training to State and local judges and court personnel; and (2) the applicant demonstrates a record of substantial experience in the field of judicial education and training.

The Institute also is authorized to make awards to other nonprofit organizations with expertise in judicial administration, institutions of higher education, individuals, partnerships, firms, corporations, and private agencies with expertise in judicial administration, provided that the objectives of the relevant program area(s) can be served better. In making this judgment, the Institute will consider the likely replicability of the projects' methodology and results in other jurisdictions. For-profit organizations are also eligible for grants and cooperative agreements; however, they must waive their fees.

The Institute may also make awards to Federal, State or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements.

In addition, the Institute may enter into inter-agency agreements with other public or private funders to support projects consistent with the purpose of the State Justice Institute Act.

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court or its designated agency or council. The latter shall receive all Institute funds awarded to such courts and be responsible for assuring proper administration of Institute funds, in accordance with section XI.B.2. of this Guideline. A list of persons to contact in each State regarding approval of applications from State and local courts and administration of Institute grants to those courts is contained in Appendix I.

V. Types of Projects and Grants; Size of Awards

A. Types of Projects

Except as expressly provided in section II.B.2.b. and II.C. above, the Institute has placed no limitation on the overall number of awards or the number of awards in each special interest category. The general types of projects are:

1. Education and training;
2. Research and evaluation;
3. Demonstration; and
4. Technical assistance.

B. Types of Grants

The Institute has established the following types of grants:

1. Project grants (See sections II.B., and C.1., VI., and VII.);
2. Continuation grants (See sections III.H. and IX.A.);
3. On-going Support grants (See sections III.I. and IX.B.);
4. Technical Assistance grants (See section II.C.2);
5. Curriculum Adaptation grants (See section II.B.2.b.ii.); and
6. Scholarships (See section II.B.2.b.iii).

C. Maximum Size of Awards

1. Except as specified below, applications for new project grants and applications for continuation grants may request funding in amounts up to \$200,000, although new and continuation awards in excess of \$150,000 are likely to be rare and to be made, if at all, only for highly promising proposals that will have a significant impact nationally.

2. Applications for on-going support grants may request funding in amounts up to \$600,000 over three years, although awards in excess of \$450,000 are likely to be rare. At the discretion of the Board, the funds for on-going support grants may be awarded either entirely from the Institute's appropriations for the fiscal year of the award or from the Institute's appropriations for successive fiscal years beginning with the fiscal year of the award. When funds to support the full amount of an on-going support grant are not awarded from the appropriations for the fiscal year of award, funds to support any subsequent years of the grant will be made available upon (1) the satisfactory performance of the project as reflected in the Quarterly Progress Reports required to be filed and grant monitoring; (2) the availability of appropriations for that fiscal year; and (3) a determination that the project continues to fall within the Institute's priorities.

3. Applications for technical assistance grants may request funding in amounts up to \$30,000.

4. Applications for curriculum adaptation grants may request funding in amounts up to \$20,000.

5. Applications for scholarships may request funding in amounts up to \$1,500.

D. Length of Grant Periods

1. Grant periods for all new and continuation projects ordinarily will not exceed 15 months.

2. Grant periods for on-going support grants ordinarily will not exceed 36 months.

3. Grant periods for technical assistance grants and curriculum adaptation grants ordinarily will not exceed 12 months.

VI. Concept Paper Submission Requirements for New Projects

Concept papers are an extremely important part of the application process because they enable the Institute to learn the program areas of primary interest to the courts and to explore innovative ideas, without imposing heavy burdens on prospective applicants. The use of concept papers also permits the Institute to better project the nature and amount of grant awards. The concept paper requirement and the submission deadlines for concept papers and applications may be waived by the Executive Director for good cause (e.g., the proposed project could provide a significant benefit to the State courts or the opportunity to conduct the project did not arise until after the deadline).

A. Format and Content

All concept papers must include a cover sheet, a program narrative, and a preliminary budget.

1. The Cover Sheet

The cover sheet for all concept papers must contain:

- a. A title that clearly describes the proposed project;
- b. The name and address of the court, organization, or individual submitting the paper;
- c. The name, title, address (if different from that in b.), and telephone number of a contact person who can provide further information about the paper;
- d. The letter of the Special Interest Category (see section II.B.2.) or the number of the statutory Program Area (see section II.A.) that the proposed project addresses most directly; and
- e. The estimated length of the proposed project.

Applicants requesting the Board to waive the application requirement and

approve a grant of less than \$40,000 based on the concept paper, should add APPLICATION WAIVER REQUESTED to the information on the cover page.

2. The Program Narrative

The program narrative of a concept paper should be no longer than necessary, **but must not exceed eight (8) double-spaced pages on 8½ by 11 inch paper. Margins must be at least 1 inch and type size must be at least 12 point and 12 cpi.** The pages should be numbered. The narrative should describe:

a. *Why is this project needed and how will it benefit State courts?* If the project is to be conducted in a specific location(s), applicants should discuss the particular needs of the project site(s) to be addressed by the project, why those needs are not being met through the use of existing materials, programs, procedures, services, or other resources, and the benefits that would be realized by the proposed site(s).

If the project is not site-specific, applicants should discuss the problems that the proposed project will address, why existing materials, programs, procedures, services, or other resources do not adequately resolve those problems, and the benefits that would be realized from the project by State courts generally.

b. *What will be done if a grant is awarded?* Applicants should include a summary description of the project to be conducted and the approach to be taken, including the anticipated length of the grant period. Applicants requesting a waiver of the application requirement for a grant of less than \$40,000 should explain the proposed methods for conducting the project as fully as space allows, and include a detailed task schedule as an attachment to the concept paper.

c. *How will the effects and quality of the project be determined?* Applicants should include a summary description of how the project will be evaluated, including the evaluation criteria.

d. *How will others find out about the project and be able to use the results?* Applicants should describe the products that will result, the degree to which they will be applicable to courts across the nation, and to whom the products and results of the project will be disseminated in addition to the SJI-designated libraries (e.g., State chief justices, specified groups of trial judges, State court administrators, specified groups of trial court administrators, State judicial educators, or other audiences).

3. The Budget

a. *Preliminary Budget.* A preliminary budget must be attached to the narrative that includes the information specified on Form E included in Appendix VI of this Guideline. Applicants should be aware that prior written Institute approval is required for any consultant rate in excess of \$300 per day, and that Institute funds may not be used to pay a consultant in excess of \$900 per day.

b. *Concept Papers Requesting Accelerated Award of a Grant of Less than \$40,000.* Applicants requesting a waiver of the application requirement and approval of a grant based on a concept paper under section VI.C., must attach to Form E (see Appendix VI) a budget narrative that explains the basis for each of the items listed, and indicates whether the costs would be paid from grant funds, through a matching contribution, or from other sources. Courts requesting an accelerated award must also attach a Certificate of State Approval (Form B) signed by the Chief Justice of the State Supreme Court or the Chief Justice's designee.

4. Letters of Cooperation or Support

The Institute encourages concept paper applicants to attach letters of cooperation and support from the courts and related agencies that will be involved in or directly affected by the proposed project. Letters of support also may be sent under separate cover. However, in order to ensure that there is sufficient time to bring them to the Board's attention, support letters sent under separate cover must be received no later than January 6, 1999.

5. Page Limits

a. The Institute will not accept concept papers with program narratives exceeding the limits set in sections VI.A.2. The page limit does not include the cover page, budget form, the budget narrative if required under section VI.A.3.b., the task schedule if required under section VI.A.2.b., and any letters of cooperation or endorsements. Additional material should not be attached unless it is essential to impart a clear understanding of the project.

b. Applicants submitting more than one concept paper may include material that would be identical in each concept paper in a cover letter, and incorporate that material by reference in each paper. The incorporated material will be counted against the eight-page limit for each paper. A copy of the cover letter should be attached to each copy of each concept paper.

6. Sample Concept Papers

Sample concept papers from previous funding cycles are available from the Institute upon request.

B. Selection Criteria

1. All concept papers will be evaluated on the basis of the following criteria:

- The demonstration of need for the project;
- The soundness and innovativeness of the approach described;
- The benefits to be derived from the project;
- The reasonableness of the proposed budget;
- The proposed project's relationship to one of the "Special Interest" categories set forth in section II.B; and
- The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

"Single jurisdiction" concept papers submitted pursuant to section II.C. will be rated on the proposed project's relation to one of the "Special Interest" categories set forth in section II.B., and on the special requirements listed in section II.C.1.

2. In determining which concept papers will be approved for award or selected for development into full applications, the Institute will also consider the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's anticipated match; whether the applicant is a State court, a national court support or education organization, a non-court unit of government, or another type of entity eligible to receive grants under the Institute's enabling legislation (see 42 U.S.C. 10705(b), as amended and section IV above); the extent to which the proposed project would also benefit the Federal courts or help the State courts enforce Federal constitutional and legislative requirements, and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

C. Review Process

Concept papers will be reviewed competitively by the Board of Directors. Institute staff will prepare a narrative summary and a rating sheet assigning points for each relevant selection criterion for those concept papers which fall within the scope of the Institute's funding program and merit serious consideration by the Board. Staff will also prepare a list of those papers that, in the judgment of the Executive

Director, propose projects that lie outside the scope of the Institute's funding program or are not likely to merit serious consideration by the Board. The narrative summaries, rating sheets, and list of non-reviewed papers will be presented to the Board for its review. Committees of the Board will review concept paper summaries within assigned program areas and prepare recommendations for the full Board. The full Board of Directors will then decide which concept paper applicants should be invited to submit formal applications for funding. The decision to invite an application is solely that of the Board of Directors.

The Board may waive the application requirement and approve a grant based on a concept paper for a project requiring less than \$40,000, when the need for and benefits of the project are clear, and the methodology and budget require little additional explanation. Applicants considering whether to request consideration for an accelerated award should make certain that the proposed budget is sufficient to accomplish the project objectives in a quality manner. Because the Institute's experience has been that projects to conduct empirical research or a program evaluation ordinarily require a more thorough explanation of the methodology to be used than can be provided within the space limitations of a concept paper, the Board is unlikely to waive the application requirement for such projects.

D. Submission Requirements

Except as noted below, an original and three copies of all concept papers submitted for consideration in Fiscal Year 1999 must be sent by first class or overnight mail or by courier (but not by fax or e-mail) no later than November 24, 1998.

A postmark or courier receipt will constitute evidence of the submission date. All envelopes containing concept papers should be marked CONCEPT PAPER and should be sent to: **State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314.**

The Institute will send written notice to all persons submitting concept papers, informing them of the Board's decisions regarding their papers and of the key issues and questions that arose during the review process. A decision by the Board not to invite an application may not be appealed, but applicants may resubmit of the concept paper or a revision thereof in a subsequent round of funding. The Institute will also notify the designated State contact listed in Appendix I when the Board invites applications that are based on concept

papers which are submitted by courts within their State or which specify a participating site within their State.

Receipt of each concept paper will be acknowledged in writing. Extensions of the deadline for submission of concept papers will not be granted.

VII. Application Requirements for New Projects

An application for Institute funding support must include an application form; budget forms (with appropriate documentation); a project abstract and program narrative; a disclosure of lobbying form, when applicable; and certain certifications and assurances. The required application forms will be sent to applicants invited to submit a full application. Applicants may photocopy the forms to make completion easier.

A. Forms

1. Application Form (FORM A)

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding support requested from the Institute. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete, that submission of the application has been authorized by the applicant, and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in Form D.

2. Certificate of State Approval (FORM B)

An application from a State or local court must include a copy of FORM B signed by the State's Chief Justice or Chief Judge, the director of the designated agency, or the head of the designated council. The signature denotes that the proposed project has been approved by the State's highest court or the agency or council it has designated. It denotes further that if funding for the project is approved by the Institute, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

3. Budget Forms (FORM C or C1)

Applicants may submit the proposed project budget either in the tabular format of FORM C or in the spreadsheet format of FORM C1. Applicants requesting \$100,000 or more are strongly encouraged to use the spreadsheet format. If the proposed project period is for more than a year, a separate form should be submitted for

each year or portion of a year for which grant support is requested, as well as for the total length of the project.

In addition to FORM C or C1, applicants must provide a detailed budget narrative providing an explanation of the basis for the estimates in each budget category. (See section VII.D.)

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

4. Assurances (FORM D)

This form lists the statutory, regulatory, and policy requirements and conditions with which recipients of Institute funds must comply.

5. Disclosure of Lobbying Activities

This form requires applicants other than units of State or local government to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts. (See section X.D.)

B. Project Abstract

The abstract should highlight the purposes, goals, methods and anticipated benefits of the proposed project. It should not exceed 1 single-spaced page on 8½ by 11 inch paper.

C. Program Narrative

The program narrative for an application should not exceed 25 double-spaced pages on 8½ by 11 inch paper. Margins must be at least 1 inch, and type size must be at least 12-point and 12 cpi. The pages should be numbered. This page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

1. Project Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (e.g., to enhance understanding and skills regarding a specific subject, or to determine how a

certain procedure affects the court and litigants) rather than on operational objectives (e.g., provide training for 32 judges and court managers, or review data from 300 cases).

2. Program Areas To Be Covered

The applicant should list the Special Interest Category or Categories that are addressed by the proposed project (see section II.B.). If the proposed project does not fall within one of the Institute's Special Interest Categories, the applicant should list the Statutory Program Area or Areas that are addressed by the proposed project. (See section II.A.)

3. Need for the Project

If the project is to be conducted in a specific location(s), the applicant should discuss the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing materials, programs, procedures, services, or other resources.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing materials, programs, procedures, services, or other resources do not adequately resolve those problems. The discussion should include specific references to the relevant literature and to the experience in the field.

4. Tasks, Methods and Evaluation

a. *Tasks and Methods.* The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

i. For research and evaluation projects, the applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and the protection of others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to the human subjects, a discussion should be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk.

ii. For education and training projects, the applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty will be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who will attend them; the materials to be provided and how they will be developed; and the cost to participants.

iii. For demonstration projects, the applicant should include the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they will be identified and their cooperation obtained; and how the program or procedures will be implemented and monitored.

iv. For technical assistance projects, the applicant should explain the types of assistance that will be provided; the particular issues and problems for which assistance will be provided; how requests will be obtained and the type of assistance determined; how suitable providers will be selected and briefed; how reports will be reviewed; and the cost to recipients.

b. *Evaluation.* Every project design must include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. In addition, where appropriate, the evaluation process should be designed to provide on-going or periodic feedback on the effectiveness or utility of particular programs, educational offerings, or achievements which can then be further refined as a result of the evaluation process. The plan should present the qualifications of the evaluator(s); describe the criteria, related to the project's programmatic objectives, that will be used to evaluate the project's effectiveness; explain how the evaluation will be conducted, including the specific data collection and analysis techniques to be used; discuss why this approach is appropriate; and present a schedule for completion of the evaluation within the proposed project period.

The evaluation plan should be appropriate to the type of project proposed. For example:

i. *Research.* An evaluation approach suited to many research projects is a review by an advisory panel of the research methodology, data collection instruments, preliminary analyses, and products as they are drafted. The panel should be comprised of independent researchers and practitioners representing the perspectives affected by the proposed project.

ii. *Education and Training.* The most valuable approaches to evaluating educational or training programs will serve to reinforce the participants' learning experience while providing useful feedback on the impact of the program and possible areas for improvement. One appropriate evaluation approach is to assess the acquisition of new knowledge, skills, attitudes or understanding through participant feedback on the seminar or training event. Such feedback might include a self-assessment on what was learned along with the participant's response to the quality and effectiveness of faculty presentations, the format of sessions, the value or usefulness of the material presented, and other relevant factors. Another appropriate approach would be to use an independent observer who might request both verbal and written responses from participants in the program. When an education project involves the development of curricular materials, an advisory panel of relevant experts can be coupled with a test of the curriculum to obtain the reactions of participants and faculty as indicated above.

iii. *Demonstration.* The evaluation plan for a demonstration project should encompass an assessment of program effectiveness (e.g., How well did it work?); user satisfaction, if appropriate; the cost-effectiveness of the program; a process analysis of the program (e.g., Was the program implemented as designed? Did it provide the services intended to the targeted population?); the impact of the program (e.g., What effect did the program have on the court? What benefits resulted from the program?); and the replicability of the program or components of the program.

iv. *Technical Assistance.* For technical assistance projects, applicants should explain how the quality, timeliness, and impact of the assistance provided will be determined, and should develop a mechanism for feedback from both the users and providers of the technical assistance.

v. *Evaluation plans involving human subjects* should include a discussion of the procedures for obtaining

respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and the protection of others who are not the subjects of evaluation but would be affected by it. Other than the provision of confidentiality to respondents, human subject protection issues ordinarily are not applicable to participants evaluating an education program.

5. Project Management

The applicant should present a detailed management plan including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that will be used to ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination will occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (i.e., no later than January 30, April 30, July 30, and October 30).

Applicants should be aware that the Institute is unlikely to approve more than one limited extension of the grant period. Therefore, the management plan should be as realistic as possible and fully reflect the time commitments of the proposed project staff and consultants.

6. Products

The application should contain a description of the products to be developed by the project (e.g., training curricula and materials, videotapes, articles, manuals, or handbooks), including when they will be submitted to the Institute.

a. *Dissemination Plan.* The application must explain how and to whom the products will be disseminated; describe how they will benefit the State courts, including how they can be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant will be offered to the courts community and the public at large (i.e., whether products will be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the

product). (See section X.V.) Ordinarily, applicants should schedule all product preparation and distribution activities within the project period.

A copy of each product must be sent to the library established in each State to collect the materials developed with Institute support. (A list of these libraries is contained in Appendix II.) To facilitate their use, all videotaped products should be distributed in VHS format.

Twenty copies of all project products must be submitted to the Institute. A master copy of each videotape, in addition to 20 copies of each videotape product, must also be provided to the Institute.

b. Types of Products, Abstracts, and Press Releases. The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that will be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they will make their data available for secondary analysis after the grant period. (See section X.W.)

The curricula and other products developed by education and training projects should be designed for use outside the classroom so that they may be used again by original participants and others in the course of their duties.

However, all grantees must submit a diskette containing a one-page abstract summarizing the products resulting from a project in Word or ASCII for posting on the Institute's website. In addition, recipients of project grants must prepare a press release describing the project and announcing the results and distribute the release to a list of national and State judicial branch organizations. Both the format for the abstract and a list of press release recipients will be provided to grantees at least 30 days before the end of the grant period.

c. Institute Review. Applicants must provide for submitting a final draft of all written grant products to the Institute for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in a videotape or CD-ROM format, applicants must provide for incremental Institute review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be

obligated for publication or reproduction of a final grant product without the written approval of the Institute.

d. Acknowledgment, Disclaimer, and Logo. Applicants must also provide for including in all project products a prominent acknowledgment that support was received from the Institute and a disclaimer paragraph based on the example provided in section X.Q. of the Guideline. The "SIJ" logo must appear on the front cover of a written product, or in the opening frames of a video product, unless the Institute approves another placement.

7. Applicant Status

An applicant that is not a State or local court and has not received a grant from the Institute within the past two years should state whether it is either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments; or a national non-profit organization for the education and training of State court judges and support personnel. See section IV. If the applicant is a nonjudicial unit of Federal, State, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

8. Staff Capability

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that will be used to select persons for these positions should be included. The applicant also should identify the person who would be responsible for the financial management and financial reporting for the proposed project.

9. Organizational Capacity

Applicants that have not received a grant from the Institute within the past two years should include a statement describing the capacity of the applicant to administer grant funds including the financial systems used to monitor project expenditures (and income, if any), and a summary of the applicant's past experience in administering grants, as well as any resources or capabilities that the applicant has that will particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from the Institute within the past two years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, "current" means no earlier than two years prior to the current calendar year.

If a current audit report is not available, the Institute will require the organization to complete a financial capability questionnaire which must be signed by a Certified Public Accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

10. Statement of Lobbying Activities

Non-governmental applicants must submit the Institute's Disclosure of Lobbying Activities Form that requires them to state whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on any issue, and identifies the specific subjects of their lobbying efforts.

11. Letters of Cooperation or Support

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, the applicant should attach written assurances of cooperation and availability to the application, or send them under separate cover. In order to ensure that there is sufficient time to bring them to the Board's attention, letters of support sent under separate cover must be received no more than 30 days after the deadline for mailing the application.

D. Budget Narrative

The budget narrative should provide the basis for the computation of all project-related costs. When the proposed project would be partially supported by grants from other funding sources, applicants should make clear what costs would be covered by those other grants. Additional background or schedules may be attached if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged.

The budget narrative should cover the costs of all components of the project

and clearly identify costs attributable to the project evaluation. Under OMB grant guidelines incorporated by reference in this Guideline, grant funds may not be used to purchase alcoholic beverages.

1. Justification of Personnel Compensation

The applicant should set forth the percentages of time to be devoted by the individuals who will serve as the staff of the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rate of those individuals. The applicant should explain any deviations from current rates or established written organization policies. If grant funds are requested to pay the salary and related costs for a current employee of a court or other unit of government, the applicant should explain why this would not constitute a supplantation of State or local funds in violation of 42 U.S.C. 10706 (d)(1). An acceptable explanation may be that the position to be filled is a new one established in conjunction with the project or that the grant funds will be supporting only the portion of the employee's time that will be dedicated to new or additional duties related to the project.

2. Fringe Benefit Computation

The applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented as well as a description of the elements included in the determination of the percentage rate.

3. Consultant/Contractual Services and Honoraria

The applicant should describe the tasks each consultant will perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (e.g., number of days x the daily consultant rates), and the method for selection. Rates for consultant services must be set in accordance with section XI.H.2.c. Honorarium payments must be justified in the same manner as other consultant payments. Prior written Institute approval is required for any consultant rate in excess of \$300 per day; Institute funds may not be used to pay a consultant at a rate in excess of \$900 per day.

4. Travel

Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established

travel policy, then travel rates must be consistent with those established by the Institute or the Federal Government. (A copy of the Institute's travel policy is available upon request.) The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.

5. Equipment

Grant funds may be used to purchase only the equipment that is necessary to demonstrate a new technological application in a court, or that is otherwise essential to accomplishing the objectives of the project. Equipment purchases to support basic court operations ordinarily will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described. Purchases for automatic data processing equipment must comply with section XI.H.2.b.

6. Supplies

The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

7. Construction

Construction expenses are prohibited except for the limited purposes set forth in section X.H.2. Any allowable construction or renovation expense should be described in detail in the budget narrative.

8. Telephone

Applicants should include anticipated telephone charges, distinguishing between monthly charges and long distance charges in the budget narrative. Also, applicants should provide the basis used in developing the monthly and long distance estimates.

9. Postage

Anticipated postage costs for project-related mailings should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine operational mailing costs. The bases for all postage

estimates should be included in the justification material.

10. Printing/Photocopying

Anticipated costs for printing or photocopying should be included in the budget narrative. Applicants should provide the details underlying these estimates in support of the request.

11. Indirect Costs

Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (e.g., a percentage of the time of senior managers to supervise product activities), the applicant should specify that these costs are not included within their approved indirect cost rate. These rates must be established in accordance with section XI.H.4. If the applicant has an indirect cost rate or allocation plan approved by any Federal granting agency, a copy of the approved rate agreement should be attached to the application.

12. Match

The applicant should describe the source of any matching contribution and the nature of the match provided. Any additional contributions to the project should be described in this section of the budget narrative as well. If in-kind match is to be provided, the applicant should describe how the amount and value of the time, services, or materials actually contributed will be documented sufficiently clearly to permit them to be included in an audit of the grant. Applicants should be aware that the time spent by participants in education courses does not qualify as in-kind match.

Applicants that do not contemplate making matching contributions continuously throughout the course of the project or on a task-by-task basis must provide a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. (See sections III.F., VIII.B., X.B. and XI.D.1.)

E. Submission Requirements

1. Every applicant must submit an original and four copies of the application package consisting of FORM A; FORM B, if the application is from a State or local court, or a Disclosure of Lobbying Form, if the applicant is not a unit of State or local government; the Budget Forms (either FORM C or C-1), the Application Abstract, Program Narrative, Budget Narrative, and any necessary appendices.

All invited must be sent by first class or overnight mail or by courier, no later than May 12, 1999. A postmark or courier receipt will constitute evidence of the submission date. Please mark APPLICATION on all application package envelopes and send to: **State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.**

Receipt of each proposal will be acknowledged in writing. Extensions of the deadline for submission of applications will not be granted. See section VII.C.11. for receipt deadlines for letters of support.

2. Applicants submitting more than one application may include material that would be identical in each application in a cover letter, and incorporate that material by reference in each application. The incorporated material will be counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of each application.

VIII. Application Review Procedures

A. Preliminary Inquiries

The Institute staff will answer inquiries concerning application procedures. The staff contact will be named in the Institute's letter acknowledging receipt of the application.

B. Selection Criteria

1. All applications will be rated on the basis of the criteria set forth below. The Institute will accord the greatest weight to the following criteria:

- a. The soundness of the methodology;
 - b. The demonstration of need for the project;
 - c. The appropriateness of the proposed evaluation design;
 - d. The applicant's management plan and organizational capabilities;
 - e. The qualifications of the project's staff;
 - f. The products and benefits resulting from the project including the extent to which the project will have long-term benefits for State courts across the nation;
 - g. The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.
 - h. The reasonableness of the proposed budget;
 - i. The demonstration of cooperation and support of other agencies that may be affected by the project; and
 - j. The proposed project's relationship to one of the "Special Interest" categories set forth in section II.B.
2. In determining which applicants to fund, the Institute will also consider

whether the applicant is a State court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under the Institute's enabling legislation (see 42 U.S.C. 10705(6) (as amended) and Section IV above); the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's match; the extent to which the proposed project would also benefit the Federal courts or help State courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

C. Review and Approval Process

Applications will be reviewed competitively by the Board of Directors. The Institute staff will prepare a narrative summary of each application, and a rating sheet assigning points for each relevant selection criterion. When necessary, applications may also be reviewed by outside experts. Committees of the Board will review applications within assigned program categories and prepare recommendations to the full Board. The full Board of Directors will then decide which applications to approve for a grant. The decision to award a grant is solely that of the Board of Directors.

Awards approved by the Board will be signed by the Chairman of the Board on behalf of the Institute.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that Institute records are subject to the provisions of the Federal Freedom of Information Act, 5 U.S.C. 552.

E. Notification of Board Decision

The Institute will send written notice to applicants concerning all Board decisions to approve, defer, or deny their respective applications and the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but does not prohibit resubmission of a proposal based on that application in a subsequent round of funding. The Institute will also notify the designated State contact listed in Appendix I when grants are approved by the Board to support projects that will be conducted by or involve courts in their State.

F. Response to Notification of Approval

Applicants have 30 days from the date of the letter notifying them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to the Institute within 30 days after notification, the approval may be automatically rescinded and the application presented to the Board for reconsideration.

IX. Renewal Funding Procedures and Requirements

The Institute recognizes two types of renewal funding as described below—"continuation grants" and "on-going support grants." The award of an initial grant to support a project does not constitute a commitment by the Institute to renew funding. The Board of Directors anticipates allocating no more than 25% of available FY 1999 grant funds for renewal grants.

A. Continuation Grants

1. Purpose and Scope

Continuation grants are intended to support projects with a limited duration that involve the same type of activities as the previous project. They are intended to enhance the specific program or service produced or established during the prior grant period. They may be used, for example, when a project is divided into two or more sequential phases, for secondary analysis of data obtained in an Institute-supported research project, or for more extensive testing of an innovative technology, procedure, or program developed with SJI grant support.

In order for a project to be considered for continuation funding, the grantee must have completed the project tasks and met all grant requirements and conditions in a timely manner, absent extenuating circumstances or prior Institute approval of changes to the project design. Continuation grants are not intended to provide support for a project for which the grantee has underestimated the amount of time or funds needed to accomplish the project tasks.

2. Application Procedures—Letters of Intent

In lieu of a concept paper, a grantee seeking a continuation grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for renewal funding becomes apparent but **no less than 120 days** before the end of the current grant period.

a. A letter of intent must be no more than 3 single-spaced pages on 8½ by 11 inch paper and must contain a concise but thorough explanation of the need for continuation; an estimate of the funds to be requested; and a brief description of anticipated changes in the scope, focus, or audience of the project.

b. Within 30 days after receiving a letter of intent, Institute staff will review the proposed activities for the next project period and inform the grantee of specific issues to be addressed in the continuation application and the date by which the application for a continuation grant must be submitted.

3. Application Format

An application for a continuation grant must include an application form, budget forms (with appropriate documentation), a project abstract conforming to the format set forth in section VII.B., a program narrative, a budget narrative, a Certificate of State Approval (FORM B) if the applicant is a State or local court, a disclosure of lobbying form (from applicants other than units of State or local government), and any necessary appendices.

The program narrative should conform to the length and format requirements set forth in section VII.C. However, rather than the topics listed in section VII.C., the program narrative of an application for a continuation grant should include:

a. *Project Objectives.* The applicant should clearly and concisely state what the continuation project is intended to accomplish.

b. *Need for Continuation.* The applicant should explain why continuation of the project is necessary to achieve the goals of the project, and how the continuation will benefit the participating courts or the courts community generally. That is, to what extent will the original goals and objectives of the project be unfulfilled if the project is not continued, and conversely, how will the findings or results of the project be enhanced by continuing the project?

c. *Report of Current Project Activities.* The applicant should discuss the status of all activities conducted during the previous project period. Applicants should identify any activities that were not completed, and explain why.

d. *Evaluation Findings.* The applicant should present the key findings, impact, or recommendations resulting from the evaluation of the project, if they are available, and how they will be addressed during the proposed continuation. If the findings are not yet available, applicants should provide the date by which they will be submitted to

the Institute. **Ordinarily, the Board will not consider an application for continuation funding until the Institute has received the evaluator's report.**

e. *Tasks, Methods, Staff and Grantee Capability.* The applicant should fully describe any changes in the tasks to be performed, the methods to be used, the products of the project, and how and to whom those products will be disseminated, as well as any changes in the assigned staff or the grantee's organizational capacity. Applicants should include, in addition, the criteria and methods by which the proposed continuation project would be evaluated.

f. *Task Schedule.* The applicant should present a detailed task schedule and timeline for the next project period.

g. *Other Sources of Support.* The applicant should indicate why other sources of support are inadequate, inappropriate or unavailable.

4. Budget and Budget Narrative

The applicant should provide a complete budget and budget narrative conforming to the requirements set forth in paragraph VII.D. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. In addition, the applicant should estimate the amount of grant funds that will remain unobligated at the end of the current grant period.

5. References to Previously Submitted Material

An application for a continuation grant should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements, Review and Approval Process, and Notification of Decision

The submission requirements set forth in section VII.E., other than the deadline for mailing, apply to applications for a continuation grant. Such applications will be rated on the selection criteria set forth in section VIII.B. The key findings and recommendations resulting from an evaluation of the project and the proposed response to those findings and recommendations will also be considered. The review and approval process, return policy, and notification procedures are the same as those for new projects set forth in sections VIII.C.–VIII.E.

B. On-going Support Grants

1. Purpose and Scope

On-going support grants are intended to support projects that are national in scope and that provide the State courts with services, programs or products for which there is a continuing critical need. An on-going support grant may also be used to fund longitudinal research that directly benefits the State courts. On-going support grants are subject to the limits on size and duration set forth in V.C.2. and V.D.2. The Board will consider awarding an on-going support grant for a period of up to 36 months. The total amount of the grant will be fixed at the time of the initial award. Funds ordinarily will be made available in annual increments as specified in section V.C.2.

A project is eligible for consideration for an on-going support grant if:

a. The project is supported by and has been evaluated under a grant from the Institute;

b. The project is national in scope and provides a significant benefit to the State courts;

c. There is a continuing critical need for the services, programs or products provided by the project as indicated by the level of use and support by members of the court community;

d. The project is accomplishing its objectives in an effective and efficient manner; and

e. It is likely that the service or program provided by the project would be curtailed or significantly reduced without Institute support.

Each project supported by an on-going support grant must include an evaluation component assessing its effectiveness and operation throughout the grant period. The evaluation should be independent, but may be designed collaboratively by the evaluator and the grantee. The design should call for regular feedback from the evaluator to the grantee throughout the project period concerning recommendations for mid-course corrections or improvement of the project, as well as periodic reports to the Institute at relevant points in the project.

An interim evaluation report must be submitted 18 months into the grant period. The decision to obligate Institute funds to support the third year of the project will be based on the interim evaluation findings and the applicant's response to any deficiencies noted in the report.

A final evaluation assessing the effectiveness, operation of, and continuing need for the project must be submitted 90 days before the end of the 3-year project period. In addition, a

detailed annual task schedule must be submitted not later than 45 days before the end of the first and second years of the grant period, along with an explanation of any necessary revisions in the projected costs for the remainder of the project period. (See also section IX.B.3.h.)

2. Letters of Intent

In lieu of a concept paper, a grantee seeking an on-going support grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for renewal funding becomes apparent but no less than 120 days before the end of the current grant period. The letter of intent should be in the same format as that prescribed for continuation grants in section IX.A.2.a.

3. Format

An application for an on-going support grant must include an application form, budget forms (with appropriate documentation), a Certificate of State Approval (FORM B) if the applicant is a State or local court, a disclosure of lobbying form (from applicants other than units of State or local government), a project abstract conforming to the format set forth in section VII.B., a program narrative, a budget narrative, and any necessary appendices.

The program narrative should conform to the length and format requirements set forth in section VII.C. However, rather than the topics listed in section VII.C., the program narrative of applications for on-going support grants should address:

a. *Description of Need for and Benefits of the Project.* The applicant should provide a detailed discussion of the benefits provided by the project to the State courts around the country, including the degree to which State courts, State court judges, or State court managers and personnel are using the services or programs provided by the project.

b. *Demonstration of Court Support.* The applicant should demonstrate support for the continuation of the project from the courts community.

c. *Report on Current Project Activities.* The applicant should discuss the extent to which the project has met its goals and objectives, identify any activities that have not been completed, and explain why.

d. *Evaluation Findings.* The applicant should attach a copy of the final evaluation report regarding the effectiveness, impact, and operation of the project, specify the key findings or recommendations resulting from the

evaluation, and explain how they will be addressed during the proposed renewal period. Ordinarily, the Board will not consider an application for on-going support until the Institute has received the evaluator's report.

e. *Objectives, Tasks, Methods, Staff and Grantee Capability.* The applicant should describe fully any changes in the objectives; tasks to be performed; the methods to be used; the products of the project; how and to whom those products will be disseminated; the assigned staff; and the grantee's organizational capacity. The grantee also should describe the steps it will take to obtain support from other sources for the continued operation of the project.

f. *Task Schedule.* The applicant should present a general schedule for the full proposed project period and a detailed task schedule for the first year of the proposed new project period.

g. *Other Sources of Support.* The applicant should describe what efforts it has taken to secure support for the project from other sources and discuss why other sources of support are inadequate, inappropriate, or unavailable.

4. Budget and Budget Narrative

The applicant should provide a complete three-year budget and budget narrative conforming to the requirements set forth in paragraph VII.D., and estimate the amount of grant funds that will remain unobligated at the end of the current grant period. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. A complete budget narrative should be provided for the full project as well as for each year, or portion of a year, for which grant support is requested. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. The budget should provide for realistic cost-of-living and staff salary increases over the course of the requested project period. Applicants should be aware that the Institute is unlikely to approve a supplemental budget increase for an on-going support grant in the absence of well-documented, unanticipated factors that clearly justify the requested increase.

5. References to Previously Submitted Material

An application for an on-going support grant should not repeat information contained in a previously approved application or other

previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements, Review and Approval Process, and Notification of Decision

The submission requirements set forth in section VII.E., other than the deadline for mailing, apply to applications for an on-going support grant. Such applications will be rated on the selection criteria set forth in section VIII.B. The key findings and recommendations resulting from an evaluation of the project and the proposed response to those findings and recommendations will also be considered. The review and approval process, return policy, and notification procedures are the same as those for new projects set forth in sections VIII.C.–VIII.E.

X. Compliance Requirements

The State Justice Institute Act contains limitations and conditions on grants, contracts and cooperative agreements of which applicants and recipients should be aware. In addition to eligibility requirements which must be met to be considered for an award from the Institute, all applicants should be aware of and all recipients will be responsible for ensuring compliance with the following:

A. State and Local Court Systems

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council. The Supreme Court or its designee shall receive, administer, and be accountable for all funds awarded on the basis of such an application. 42 U.S.C. 10705(b)(4). Appendix I to this Guideline lists the person to contact in each State regarding the administration of Institute grants to State and local courts.

B. Matching Requirements

1. All awards to courts or other units of State or local government (not including publicly supported institutions of higher education) require a match from private or public sources of not less than 50% of the total amount of the Institute's award. For example, if the total cost of a project is anticipated to be \$150,000, a State court or executive branch agency may request up to \$100,000 from the Institute to implement the project. The remaining \$50,000 (50% of the \$100,000 requested from SJI) must be provided as a match. A cash match, non-cash match, or both may be provided, but the Institute will

give preference to those applicants that provide a cash match to the Institute's award. (For a further definition of match, see section III.F.)

The requirement to provide match may be waived in exceptionally rare circumstances upon the request of the Chief Justice of the highest court in the State and approval by the Board of Directors. 42 U.S.C. 10705(d).

2. Other eligible recipients of Institute funds are not required to provide a match, but are encouraged to contribute to meeting the costs of the project. In instances where match is proposed, the grantee is responsible for ensuring that the total amount proposed is actually contributed. If a proposed contribution is not fully met, the Institute may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see sections VIII.B. above and XI.D.).

C. Conflict of Interest

Personnel and other officials connected with Institute-funded programs shall adhere to the following requirements:

1. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Institute funds are used, where to his/her knowledge he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

2. In the use of Institute project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

- a. Using an official position for private gain; or
- b. Affecting adversely the confidence of the public in the integrity of the Institute program.

3. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to

compete for the award of such procurement.

D. Lobbying

Funds awarded to recipients by the Institute shall not be used, indirectly or directly, to influence Executive orders or similar promulgations by Federal, State or local agencies, or to influence the passage or defeat of any legislation by Federal, State or local legislative bodies. 42 U.S.C. 10706(a).

It is the policy of the Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, the Institute will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

E. Political Activities

No recipient shall contribute or make available Institute funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients shall not intentionally identify the Institute or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office. 42 U.S.C. 10706(a).

F. Advocacy

No funds made available by the Institute may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities. 42 U.S.C. 10706(b).

G. Prohibition Against Litigation Support

No funds made available by the Institute may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

H. Supplantation and Construction

To ensure that funds are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used for the following purposes:

1. To supplant State or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations);

2. To construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or

3. Solely to purchase equipment.

I. Confidentiality of Information

Except as provided by Federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

J. Human Research Protection

All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, the Institute must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

K. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by Institute funds. Recipients of Institute funds must immediately take any measures necessary to effectuate this provision.

L. Reporting Requirements

Recipients of Institute funds, other than scholarships awarded under section II.B.2.b.iii., shall submit Quarterly Progress and Financial Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). Two copies of each report must be sent. The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period. The quarterly financial status report shall be submitted in accordance with section XI.G.2. of this Guideline. A final project progress report and financial status report shall be submitted within 90 days after the end of the grant period in accordance with section XI.K.2. of this Guideline.

M. Audit

Recipients, other than those noted below, must provide for an annual fiscal audit which shall include an opinion on whether the financial statements of the grantee present fairly its financial position and financial operations are in accordance with generally accepted accounting principles. (See section XI.J. of the Guideline for the requirements of such audits.) Recipients of a scholarship, curriculum adaptation, or technical assistance grant are not required to submit an audit, but must maintain appropriate documentation to support all expenditures.

N. Suspension of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, the Institute may terminate or suspend funding of a project that fails to comply substantially with the Act, the Guideline, or the terms and conditions of the award. 42 U.S.C. 10708(a).

O. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with Institute funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by the Institute that the property will continue to be used for the authorized purposes of the Institute-funded project or other

purposes consistent with the State Justice Institute Act. If such certification is not made or the Institute disapproves such certification, title to all such property with an aggregate or individual value of \$1,000 or more shall vest in the Institute, which will direct the disposition of the property.

P. Original Material

All products prepared as the result of Institute-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

Q. Acknowledgment and Disclaimer

Recipients of Institute funds shall acknowledge prominently on all products developed with grant funds that support was received from the Institute. The "SJI" logo must appear on the front cover of a written product, or in the opening frames of a video product, unless another placement is approved in writing by the Institute. This includes final products printed or otherwise reproduced during the grant period, as well as reprintings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available from the Institute upon request.

Recipients also shall display the following disclaimer on all grant products:

This [document, film, videotape, etc.] was developed under [grant/cooperative agreement, number SJI-(insert number)] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.

R. Institute Approval of Grant Products

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of the Institute. Grantees shall submit a final draft of each written product to the Institute for review and approval. These drafts shall be submitted at least 30 days before the product is scheduled to be sent for publication or reproduction to permit Institute review and incorporation of any appropriate changes agreed upon by the grantee and the Institute. Grantees shall provide for timely reviews by the Institute of videotape or CD-ROM products at the treatment, script, rough cut, and final stages of development or their

equivalents, prior to initiating the next stage of product development.

S. Distribution of Grant Products

In addition to the distribution specified in the grant application, grantees shall send:

1. Twenty copies of each final product developed with grant funds to the Institute, unless the product was developed under either a curriculum adaptation or a technical assistance grant, in which case submission of 2 copies is required.

2. A mastercopy of each videotape produced with grant funds to the Institute.

3. One copy of each final product developed with grant funds to the library established in each State to collect materials prepared with Institute support. (A list of these libraries is contained in Appendix II. Labels for these libraries are available from the Institute upon request.) Recipients of curriculum adaptation and technical assistance grants are not required to submit final products to State libraries.

4. A one-page abstract to the Institute summarizing the products produced during the project for posting on the Internet together with a diskette containing the abstract in Word or ASCII in a format prescribed by the Institute for posting on the Institute's website.

5. In addition, recipients of project grants must prepare a press release describing the project and announcing the results and distribute the release to a list of national and State judicial branch organizations provided by the Institute.

T. Copyrights

Except as otherwise provided in the terms and conditions of an Institute award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an Institute-supported project, but the Institute shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

U. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of Institute-sponsored work, such fact shall be promptly and fully reported to the Institute. Unless there is a prior agreement between the grantee and the Institute on disposition of such items, the Institute shall determine whether protection of the invention or

discovery shall be sought. The Institute will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, February 18, 1983, and statement of Government Patent Policy).

V. Charges for Grant-Related Products/Recovery of Costs

When Institute funds fully cover the cost of developing, producing, and disseminating a product, (e.g., a report, curriculum, videotape or software), the product should be distributed to the field without charge. When Institute funds only partially cover the development, production, or dissemination costs, the grantee may, with the Institute's prior written approval, recover its costs for developing, producing, and disseminating the material to those requesting it, to the extent that those costs were not covered by Institute funds or grantee matching contributions.

Applicants should disclose their intent to sell grant-related products in both the concept paper and the application. Grantees must obtain the written, prior approval of the Institute of their plans to recover project costs through the sale of grant products.

Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than \$25.00, the written request also should include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either Institute grant funds or grantee matching contributions.

In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act that have been approved by the Institute. See sections III.F. and XI.F. for requirements regarding project-related income realized during the project period.

W. Availability of Research Data for Secondary Analysis

Upon request, grantees must make available for secondary analysis a diskette(s) or data tape(s) containing research and evaluation data collected under an Institute grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing or otherwise transmitting the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

X. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, a recipient shall submit a description of the qualifications of the newly assigned person to the Institute. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

XI. Financial Requirements

A. Accounting Systems and Financial Records

All grantees, subgrantees, contractors, and other organizations directly or indirectly receiving Institute funds are required to establish and maintain accounting systems and financial records to accurately account for funds they receive. These records shall include total program costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget.

1. Purpose

The purpose of this section is to establish accounting system requirements and offer guidance on procedures which will assist all grantees/subgrantees in:

- a. Complying with the statutory requirements for the awarding, disbursement, and accounting of funds;
- b. Complying with regulatory requirements of the Institute for the financial management and disposition of funds;
- c. Generating financial data which can be used in the planning, management and control of programs; and
- d. Facilitating an effective audit of funded programs and projects.

2. References

Except where inconsistent with specific provisions of this Guideline, the following regulations, directives and reports are applicable to Institute grants and cooperative agreements under the same terms and conditions that apply to Federal grantees. These materials supplement the requirements of this section for accounting systems and financial recordkeeping and provide additional guidance on how these requirements may be satisfied. (Circulars may be obtained from OMB by calling 202-395-7250.)

a. Office of Management and Budget (OMB) Circular A-21, Cost Principles for Educational Institutions.

b. Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments.

c. Office of Management and Budget (OMB) Circular A-88 (revised), Indirect Cost Rates, Audit and Audit Follow-up at Educational Institutions.

d. Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

e. Office of Management and Budget (OMB) Circular A-110, Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations.

f. Office of Management and Budget (OMB) Circular A-128, Audits of State and Local Governments.

g. Office of Management and Budget (OMB) Circular A-122, Cost Principles for Non-profit Organizations.

h. Office of Management and Budget (OMB) Circular A-133, Audits of Institutions of Higher Education and Other Non-profit Institutions.

B. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving direct awards from the Institute are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits.

2. Responsibilities of State Supreme Court

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council.

The State Supreme Court or its designee shall receive all Institute funds awarded to such courts; be responsible

for assuring proper administration of Institute funds; and be responsible for all aspects of the project, including proper accounting and financial recordkeeping by the subgrantee. These responsibilities include:

a. *Reviewing Financial Operations.* The State Supreme Court or its designee should be familiar with, and periodically monitor, its subgrantees' financial operations, records system and procedures. Particular attention should be directed to the maintenance of current financial data.

b. *Recording Financial Activities.* The subgrantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the State Supreme Court or its designee in summary form. Subgrantee expenditures should be recorded on the books of the State Supreme Court **OR** evidenced by report forms duly filed by the subgrantee. Non-Institute contributions applied to projects by subgrantees should likewise be recorded, as should any project income resulting from program operations.

c. *Budgeting and Budget Review.* The State Supreme Court or its designee should ensure that each subgrantee prepares an adequate budget as the basis for its award commitment. The detail of each project budget should be maintained on file by the State Supreme Court.

d. *Accounting for Non-Institute Contributions.* The State Supreme Court or its designee will ensure, in those instances where subgrantees are required to furnish non-Institute matching funds, that the requirements and limitations of the Guideline are applied to such funds.

e. *Audit Requirement.* The State Supreme Court or its designee is required to ensure that subgrantees have met the necessary audit requirements set forth by the Institute (see sections X.M. and XI.J).

f. *Reporting Irregularities.* The State Supreme Court, its designees, and its subgrantees are responsible for promptly reporting to the Institute the nature and circumstances surrounding any financial irregularities discovered.

C. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself and for ensuring that an adequate system exists for each of its subgrantees and contractors. An acceptable and adequate accounting system is considered to be one which:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);

2. Assures that expended funds are applied to the appropriate budget category included within the approved grant;

3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;

4. Provides cost and property controls to assure optimal use of grant funds;

5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant;

6. Meets the prescribed requirements for periodic financial reporting of operations; and

7. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

D. Total Cost Budgeting and Accounting

Accounting for all funds awarded by the Institute shall be structured and executed on a "total project cost" basis. That is, total project costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget shall be the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions need not be applied at the exact time of the obligation of Institute funds. However, the full matching share must be obligated during the award period, except that, with the prior written permission of the Institute, contributions made following approval of the grant by the Institute's Board of Directors but before the beginning of the grant may be counted as match. Grantees that do not contemplate making matching contributions continuously throughout the course of a project, or on a task-by-task basis, are required to submit a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. In instances where a proposed cash match is not fully met, the Institute may reduce the award amount accordingly, in order to

maintain the ratio originally provided for in the award agreement.

2. Records for Match

All grantees must maintain records which clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does the Institute funds and required matching shares. For all grants made to State and local courts, the State Supreme Court has primary responsibility for grantee/subgrantee compliance with the requirements of this section. (See section XI.B.2.)

E. Maintenance and Retention of Records

All financial records, supporting documents, statistical records and all other records pertinent to grants, subgrants, cooperative agreements or contracts under grants shall be retained by each organization participating in a project for at least three years for purposes of examination and audit. State Supreme Courts may impose record retention and maintenance requirements in addition to those prescribed in this chapter.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and subgrant awards, applications, and required grantee/subgrantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, subgrant or contract, whether they are employed full-time or part-time. Time and effort reports will be required for consultants.

2. Retention Period

The three-year retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of submission of the annual expenditure report.

3. Maintenance

Grantees and subgrantees are expected to see that records of different fiscal years are separately identified and maintained so that requested

information can be readily located. Grantees and subgrantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/subgrantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and subgrantees must give any authorized representative of the Institute access to and the right to examine all records, books, papers, and documents related to an Institute grant.

F. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to the Institute. (See section XI.G.2.) The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A State and any agency or instrumentality of a State, including State institutions of higher education and State hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to subgrantees through a State, the subgrantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are direct grantees must refund any interest earned. Grantees shall ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/subgrantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the grant provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees shall be used to pay project-related costs not covered by the grant, or to reduce the amount of grant funds needed to support the project. Registration and tuition fees may be used for other purposes only with the prior written approval of the Institute. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

4. Income From the Sale of Grant Products

When grant funds fully cover the cost of producing and disseminating a limited number of copies of a product, the grantee may, with the written prior approval of the Institute, sell additional copies reproduced at its expense only at a price intended to recover actual reproduction and distribution costs that were not covered by Institute grant funds or grantee matching contributions to the project. When grant funds only partially cover the costs of developing, producing and disseminating a product, the grantee may, with the written prior approval of the Institute, recover costs for developing, reproducing, and disseminating the material to the extent that those costs were not covered by Institute grant funds or grantee matching contributions. If the grantee recovers its costs in this manner, then amounts expended by the grantee to develop, produce, and disseminate the material may not be considered match.

If the sale of products occurs during the project period, the costs and income generated by the sales must be reported on the Quarterly Financial Status Reports and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the concept paper and application or reported to the Institute in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and dissemination costs as specified in section X.V.

5. Other

Other project income shall be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

G. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all Institute grant funds and grantees.

a. *Request for Advance or Reimbursement of Funds.* Grantees will receive funds on a "Check-Issued" basis. Upon receipt, review, and approval of a Request for Advance or Reimbursement by the Institute, a check will be issued directly to the grantee or its designated fiscal agent. A request must be limited to the grantee's immediate cash needs. The Request for Advance or Reimbursement, along with the instructions for its preparation, will be included in the official Institute award package.

b. *Continuation and On-Going Support Awards.* For purposes of submitting Requests for Advance or Reimbursement, recipients of continuation and on-going support grants should treat each grant as a new project and number their requests accordingly (i.e. on a grant rather than a project basis). For example, the first request for payment from a continuation grant or each year of an on-going support would be number 1, the second number 2, etc. (See Recommendations to Grantees in the Introduction for further guidance.)

c. *Termination of Advance and Reimbursement Funding.* When a grantee organization receiving cash advances from the Institute:

i. Demonstrates an unwillingness or inability to attain program or project goals, or to establish procedures that will minimize the time elapsing between cash advances and disbursements, or cannot adhere to guideline requirements or special conditions;

ii. Engages in the improper award and administration of subgrants or contracts; or

iii. Is unable to submit reliable and/or timely reports; the Institute may terminate advance financing and require the grantee organization to finance its operations with its own working capital. Payments to the grantee shall then be made by check to reimburse the grantee for actual cash disbursements. In the event the grantee continues to be deficient, the Institute may suspend reimbursement payments until the deficiencies are corrected.

d. *Principle of Minimum Cash on Hand.* Recipient organizations should request funds based upon immediate disbursement requirements. Grantees should time their requests to ensure that cash on hand is the minimum needed for disbursements to be made immediately or within a few days. Idle funds in the hands of subgrantees will impair the goals of good cash management.

2. Financial Reporting

a. *General Requirements.* In order to obtain financial information concerning the use of funds, the Institute requires that grantees/subgrantees of these funds submit timely reports for review.

Three copies of the Financial Status Report are required from all grantees, other than recipients of scholarships under section II.B.2.b.iii., for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to Institute funds,

State and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. A copy of the Financial Status Report, along with instructions for its preparation, will be included in the official Institute Award package. In circumstances where an organization requests substantial payments for a project prior to the completion of a given quarter, the Institute may request a brief summary of the amount requested, by object class, in support of the Request for Advance or Reimbursement.

b. *Additional Requirements for Renewal Grants.* Grantees receiving a continuation or on-going support grant should number their quarterly Financial Status Reports on a grant rather than a project basis. For example, the first quarterly report for a continuation grant or each year of an on-going support award should be number 1, the second number 2, etc.

3. Consequences of Non-Compliance With Submission Requirements

Failure of the grantee organization to submit required financial and program reports may result in a suspension or termination of grant payments.

H. Allowability of Costs

1. General

Except as may be otherwise provided in the conditions of a particular grant, cost allowability shall be determined in accordance with the principles set forth in *OMB Circulars A-87*, Cost Principles for State and Local Governments; *A-21*, Cost Principles Applicable to Grants and Contracts with Educational Institutions; and *A-122*, Cost Principles for Non-Profit Organizations. No costs may be recovered to liquidate obligations which are incurred after the approved grant period. Copies of these circulars may be obtained from OMB by calling (202) 395-7250.

2. Costs Requiring Prior Approval

a. *Pre-agreement Costs.* The written prior approval of the Institute is required for costs which are considered necessary to the project but occur prior to the award date of the grant.

b. *Equipment.* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the goals and objectives of the project. The written prior approval of the Institute is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds \$10,000 or the software to be purchased exceeds \$3,000.

c. *Consultants.* The written prior approval of the Institute is required when the rate of compensation to be paid a consultant exceeds \$300 a day. Institute funds may not be used to pay a consultant at a rate in excess of \$900 per day.

3. Travel Costs

Transportation and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established written travel policy, then travel rates shall be consistent with those established by the Institute or the Federal Government. Institute funds may not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting of that organization.

4. Indirect Costs

These are costs of an organization that are not readily assignable to a particular project, but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. It is the policy of the Institute that all costs should be budgeted directly; however, if a recipient has an indirect cost rate approved by a Federal agency as set forth below, the Institute will accept that rate.

a. *Approved Plan Available.* i. The Institute will accept an indirect cost rate or allocation plan approved for a grantee during the preceding two years by any Federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars. A copy of the approved rate agreement must be submitted to the Institute.

ii. Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, e.g., accounting services, legal services, building occupancy and maintenance, etc., as direct costs.

iii. Organizations with an approved indirect cost rate, utilizing total direct costs as the base, usually exclude contracts under grants from any overhead recovery. The negotiated agreement will stipulate that contracts are excluded from the base for overhead recovery.

b. *Establishment of Indirect Cost Rates.* In order to be reimbursed for indirect costs, a grantee or organization must first establish an appropriate indirect cost rate. To do this, the grantee must prepare an indirect cost rate

proposal and submit it to the Institute within three months after the start of the grant period to assure recovery of the full amount of allowable indirect costs. The rate must be developed in accordance with principles and procedures appropriate to the type of grantee institution involved as specified in the applicable OMB Circular. Copies of OMB Circulars may be obtained directly from OMB by calling (202) 395-7250.

c. *No Approved Plan.* If an indirect cost proposal for recovery of actual indirect costs is not submitted to the Institute within three months after the start of the grant period, indirect costs will be irrevocably disallowed for all months prior to the month that the indirect cost proposal is received. This policy is effective for all grant awards.

I. Procurement and Property Management Standards

1. Procurement Standards

For State and local governments, the Institute adopts the standards set forth in Attachment O of *OMB Circular A-102*. Institutions of higher education, hospitals; other non-profit organizations will be governed by the standards set forth in Attachment O of *OMB Circular A-110*.

2. Property Management Standards

The property management standards as prescribed in Attachment N of *OMB Circulars A-102* and *A-110* shall be applicable to all grantees and subgrantees of Institute funds except as provided in section X.O.

All grantees/subgrantees are required to be prudent in the acquisition and management of property with grant funds. If suitable property required for the successful execution of projects is already available within the grantee or subgrantee organization, expenditures of grant funds for the acquisition of new property will be considered unnecessary.

J. Audit Requirements

1. Implementation

Each recipient of a grant from the Institute other than a scholarship, curriculum adaptation, or technical assistance grant (including a State or local court receiving a subgrant from the State Supreme Court) shall provide for an annual fiscal audit. The audit may be of the entire grantee organization (e.g., a university) or of the specific project funded by the Institute. Audits conducted in accordance with the Single Audit Act of 1984 and OMB Circular A-128, or OMB Circular A-133 will satisfy the requirement for an

annual fiscal audit. The audit shall be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies.

Grantees who receive funds from a Federal agency and who satisfy audit requirements of the cognizant Federal agency should submit a copy of the audit report prepared for that Federal agency to the Institute in order to satisfy the provisions of this section. Cognizant Federal agencies do not send reports to the Institute. Therefore, each grantee must send this report directly to the Institute.

2. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grant recipient shall have policies and procedures for acting on audit recommendations by designating officials responsible for: follow-up, maintaining a record of the actions taken on recommendations and time schedules, responding to and acting on audit recommendations, and submitting periodic reports to the Institute on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues

It is the general policy of the State Justice Institute not to make new grant awards to an applicant having an unresolved audit report involving Institute awards. Failure of the grantee organization to resolve audit questions may also result in the suspension or termination of payments for active Institute grants to that organization.

K. Close-Out of Grants

1. Definition

Close-out is a process by which the Institute determines that all applicable administrative and financial actions and all required work of the grant have been completed by both the grantee and the Institute.

2. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (See section XI.K.3), the following documents must be submitted to the Institute by the grantee other than a recipient of a scholarship under section II.B.2.b.iii. These reporting requirements apply at the conclusion of any non-scholarship grant, even when the project will receive renewal funding through a continuation or on-going support grant.

a. *Financial Status Report.* The final report of expenditures must have no

unliquidated obligations and must indicate the exact balance of unobligated/ unexpended funds will be deobligated from the award by the Institute. Final payment requests for obligations incurred during the award period must be submitted to the Institute prior to the end of the 90-day close-out period. Grantees on a check-issued basis, who have drawn down funds in excess of their obligations/expenditures, must return any unused funds as soon as it is determined that the funds are not required. In no case should any unused funds remain with the grantee beyond the submission date of the final financial status report.

b. *Final Progress Report.* This report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment thereto have been met and, if any of the objectives have not been met, explain the reasons therefor; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation.

3. Extension of Close-out Period

Upon the written request of the grantee, the Institute may extend the close-out period to assure completion of the Grantee's close-out requirements. Requests for an extension must be submitted at least 14 days before the end of the close-out period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period.

XII. Grant Adjustments

All requests for program or budget adjustments requiring Institute approval must be submitted in a timely manner by the project director. All requests for changes from the approved application will be carefully reviewed for both consistency with this Guideline and the enhancement of grant goals and objectives.

A. Grant Adjustments Requiring Prior Written Approval

There are several types of grant adjustments which require the prior written approval of the Institute. Examples of these adjustments include:

1. Budget revisions among direct cost categories which, individually or in the

aggregate, exceed or are expected to exceed five percent of the approved original budget or the most recently approved revised budget. For the purposes of this section, the Institute will view budget revisions cumulatively.

For continuation and on-going support grants, funds from the original award may be used during the renewal grant period and funds awarded by a continuation or on-going support grant may be used to cover project-related expenditures incurred during the original award period, with the prior written approval of the Institute.

2. A change in the scope of work to be performed or the objectives of the project (see section XII.D.).

3. A change in the project site.

4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see section XII.E.).

5. Satisfaction of special conditions, if required.

6. A change in or temporary absence of the project director (see sections XII.F. and G.).

7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section X.X.).

8. A change in or temporary absence of the person responsible for the financial management and financial reporting for the grant.

9. A change in the name of the grantee organization.

10. A transfer or contracting out of grant-supported activities (see section XII.H.).

11. A transfer of the grant to another recipient.

12. Preagreement costs, the purchase of automated data processing equipment and software, and consultant rates, as specified in section XI.H.2.

13. A change in the nature or number of the products to be prepared or the manner in which a product would be distributed.

B. Request for Grant Adjustments

All grantees and subgrantees must promptly notify their SJI program manager, in writing, of events or proposed changes which may require an adjustment to the approved application. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help the Institute's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the Executive Director or his designee. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

A grantee/subgrantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification of the SJI program manager. Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by the Institute.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan should accompany requests for a no-cost extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline (see section XI.K.3.).

F. Temporary Absence of the Project Director

Whenever absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/subgrantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by the Institute.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, the Institute must be notified immediately. In such cases, if the grantee/subgrantee wishes to terminate the project, the Institute will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to the Institute for review and approval. The

grant may be terminated if the qualifications of the proposed individual are not approved in advance by the Institute.

H. Transferring or Contracting Out of Grant-Supported Activities

A principal activity of the grant-supported project shall not be transferred or contracted out to another organization without specific prior approval by the Institute. All such arrangements should be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, are to be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to the Institute.

State Justice Institute Board of Directors

Robert A. Miller, Chairman, Chief Justice, Supreme Court of South Dakota, Pierre, SD
Joseph F. Baca, Vice-Chairman, Justice, New Mexico Supreme Court, Santa Fe, NM
Sandra A. O'Connor, Secretary, States Attorney of Baltimore County, Towson, MD

Terrence B. Adamson, Esq., Executive Committee Member, Senior Vice-President, The National Geographic Society, Washington, D.C.

Mr. Robert N. Baldwin, State Court Administrator, Supreme Court of Virginia, Richmond, VA

Carlos R. Garza, Esq., Administrative Judge (ret.), Vienna, VA

Sophia H. Hall, Presiding Judge, Juvenile Court, Circuit Court of Cook County, Chicago, IL

Tommy Jewell, District Judge, Albuquerque, NM

Keith McNamara, Esq., McNamara & McNamara, Columbus, OH

Florence K. Murray, Justice (ret.), Supreme Court of Rhode Island, Providence, RI

Janie L. Shores, Associate Justice, Alabama Supreme Court, Birmingham, AL

David I. Tevelin, Executive Director (ex officio)

David I. Tevelin,
Executive Director.

Appendix I—List of State Contacts Regarding Administration of Institute Grants to State and Local Courts

Mr. Frank Gregory, Administrative Director, Administrative Office of the Courts, 300 Dexter Avenue, Montgomery, AL 36130, (205) 834-7990

Ms. Stephanie J. Cole, Administrative Director, Alaska Court System, 303 K Street, Anchorage, AK 99501, (907) 264-0547

Mr. David K. Byers, Administrative Director, Supreme Court of Arizona, 1501 West Washington Street, Suite 411, Phoenix, AZ 85007-3330, (602) 542-9301

Mr. James D. Gingerich, Director, Administrative Office of the Courts, 625 Marshall, Little Rock, AR 72201, (501) 682-9400

Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415) 396-9115

Mr. Steven V. Berson, State Court Administrator, Colorado Judicial Department, 1301 Pennsylvania Street, Suite 300, Denver, CO 80203-2416, (303) 861-1111, ext. 585

Honorable Aaron Ment, Chief Court Administrator, Supreme Court of Connecticut, 231 Capitol Avenue, Drawer N, Station A, Hartford, CT 06106, (860) 566-4461

Mr. Lawrence P. Webster, Director, Administrative Office of the Courts, Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801, (302) 577-2480

Mr. Ulysses Hammond, Executive Officer, Courts of the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001, (202) 879-1700

Mr. Kenneth Palmer, State Courts Administrator, Florida State Courts System, Supreme Court Building, Tallahassee, FL 32399-1900, (904) 922-5081

Mr. Hulett Askew, Interim Director, Administrative Office of the Georgia Courts, The Judicial Council of Georgia, 244 Washington Street, S.W., Suite 500, Atlanta, GA 30334-5900, (404) 656-5171

Daniel J. Tydingco, Administrative Director, Superior Court of Guam, Judiciary Building, 120 West O'Brien Drive, Agaña, Guam 96910, 011 (671) 475-3544

Mr. Michael F. Broderick, Administrative Director of the Courts, 417 S. King Street, Room 206, Honolulu, HI 96813, (808) 539-4900

Ms. Patricia Tobias, Administrative Director of the Courts, Idaho Supreme Court, 451 West State Street, Boise, ID 83720-0101, (208) 334-2246

Honorable Joseph A. Schillaci, Administrative Director of the Courts, 222 N. LaSalle Street, 13th Floor, Chicago, IL 60601, (312) 793-8191

Ms. Lilia G. Judson, Executive Director, Supreme Court of Indiana, 115 W. Washington, Suite 1080, Indianapolis, IN 46204-3417, (317) 232-2542

Mr. William J. O'Brien, State Court Administrator, Supreme Court of Iowa, State House, Des Moines, IA 50319, (515) 281-5241

Dr. Howard P. Schwartz, Judicial Administrator, Kansas Judicial Center, 301 West 10th Street, Topeka, KS 66612, (913) 296-4873

Mr. Paul F. Isaacs, Administrative Director, Administrative Office of the Courts, 100 Mill Creek Park, Frankfort, KY 40601-9230, (502) 573-2350

Dr. Hugh M. Collins, Judicial Administrator, Supreme Court of Louisiana, 301 Loyola Avenue, Room 109, New Orleans, LA 70112, (504) 568-5747

Mr. James T. Glessner, State Court Administrator, Administrative Office of the Courts, P.O. Box 4820, Downtown Station, Portland, ME 04112-4820, (207) 822-0792

Mr. George B. Riffin, Jr., State Court Administrator, Administrative Office of the Courts, Courts of Appeal Bldg., 361 Rowe Boulevard, Annapolis, MD 21401, (410) 974-2141

Honorable John J. Irwin, Jr., Chief Justice for Administration and Management, The Trial Court, Administrative Office of the Trial Court, Two Center Plaza, Suite 540, Boston, MA 02108, (617) 742-8575

Mr. John D. Ferry, Jr., State Court Administrator, Michigan Supreme Court, 309 N. Washington Square, P.O. Box 30048, Lansing, MI 48909, (517) 373-0130

Ms. Sue K. Dosal, State Court Administrator, Supreme Court of Minnesota, 25 Constitution Avenue, St. Paul, MN 55155, (617) 296-2474

Mr. Richard Patt, Director, Administrative Office of the Courts, Supreme Court of Mississippi, P.O. Box 117, Jackson, MS 39205, (601) 354-7408

Mr. Ron Larkin, State Court Administrator, Supreme Court of Missouri, P.O. Box 104480, Jefferson City, MO 65110, (314) 751-3585

Mr. Patrick A. Chenovick, State Court Administrator, Montana Supreme Court, Justice Building, Room 315, 215 North Sanders, Helena, MT 59620-3001, (406) 444-2621

Mr. Joseph C. Steele, State Court Administrator, Supreme Court of Nebraska, State Capitol Building, Room 1220, Lincoln, NE 68509, (404) 471-3730

Ms. Karen Kavenau, Court Administrator, Administrative Office of the Courts, Capitol Complex, Carson City, NV 89710, (702) 687-5076

Mr. Donald Goodnow, State Court Administrator, Supreme Court of New Hampshire, Frank Rowe Kenison Building, Concord, NH 03301, (603) 271-2521

Mr. James J. Ciancia, Administrative Director, Administrative Office of the Courts, CN-037, RH Justice Complex, Trenton, NJ 08625, (609) 984-0275

Honorable Jonathan Lippman, Chief Administrative Judge, Office of Court Administration, 270 Broadway, New York, NY 10007, (212) 417-2007

Mr. John M. Greacen, State Court Administrator, Administrative Office of the Courts, Supreme Court of New Mexico, Supreme Court Building, Room 25, Sante Fe, NM 87503, (505) 827-4800

Mr. Dallas A. Cameron, Jr., Administrative Director, Administrative Office of the Courts, P.O. Box 2448, Raleigh, NC 27602, (919) 733-7107

Mr. Keith E. Nelson, State Court Administrator, Supreme Court of North Dakota, State Capitol Building, Bismarck, ND 58505, (701) 328-4216

Mr. Stephan W. Stover, Administrative Director of the Courts, Supreme Court of Ohio, State Office Tower, 30 East Broad Street, Columbus, OH 43266-0419, (614) 466-2653

Mr. Howard W. Conyers, Administrative Director, Administrative Office of the Courts, 1925 N. Stiles, Suite 305, Oklahoma City, OK 73105, (405) 521-2450

Ms. Kingsley Click, State Court Administrator, Supreme Court of Oregon, Supreme Court Building, Salem, OR 97310, (503) 986-5900

Ms. Nancy M. Sobolevitch, Court Administrator, Supreme Court of Pennsylvania, 1515 Market Street, Suite 1414, Philadelphia, PA 19102, (215) 560-6337

Dr. Robert C. Harrall, State Court Administrator, Supreme Court of Rhode Island, 250 Benefit Street, Providence, RI 02903, (401) 277-3263

Ms. Mary Schroeder, Interim Director, South Carolina Court Administration, P.O. Box 50447, Columbia, SC 29250, (803) 734-1800

Mr. Michael L. Buenger, State Court Administrator, Unified Judicial System, 500 East Capitol Avenue, Pierre, SD 57501, (605) 773-3474

Mr. Charles E. Ferrell, Administrative Director of the Courts, Nashville City Center, Suite 600, 511 Union Street, Nashville, TN 37243-0607, (615) 741-2687

Mr. Jerry L. Benedict, Administrative Director, Office of Court Administration of the Texas Judicial System, 205 West 14th Street, Suite 600, Austin, TX 78701, (512) 463-1625

Mr. Daniel Becker, State Court Administrator, Administrative Office of the Courts, 230 South 500 East, Salt Lake City, UT 84102, (801) 578-3800

Mr. Lee Suskin, Court Administrator, Supreme Court of Vermont, 109 State Street, Montpelier, VT 05602, (802) 828-3278

Ms. Viola E. Smith, Clerk of the Court/ Administrator, Territorial Court of the Virgin Islands, P.O. Box 70, 25 Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774-6680, ext. 248

Mr. Robert N. Baldwin, Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, 3rd Floor, Richmond, VA 23219, (804) 786-6455

Ms. Mary C. McQueen, Administrator for the Courts, Supreme Court of Washington, P.O. Box 41174, Olympia, WA 98504, (360) 357-2121

Mr. Ted J. Philyaw, Administrative Director of the Courts, E-400, State Capitol Bldg., 1900 Kanawha Blvd., East, Charleston, WV 25305, (304) 558-0145

Mr. J. Denis Moran, Director of State Courts, P.O. Box 1688, Madison, WI 53701-1688, (608) 266-6828

Ms. Nancy E. Rutledge, Court Administrator, Supreme Court of Wyoming, Supreme Court Building, Cheyenne, WY 82002, (307) 777-7480

Appendix II—SJI Libraries: Designated Sites and Contacts

Alabama

Supreme Court Library

Mr. Timothy A. Lewis, State Law Librarian, Alabama Supreme Court Bldg., 300 Dexter Avenue, Montgomery, AL 36104, (334) 242-4347

Alaska

Anchorage Law Library

Ms. Cynthia S. Fellows, State Law Librarian, Alaska State Court Law Library, 820 W. Fourth Ave., Anchorage, AK 99501, (907) 264-0583

Arizona

State Law Library

Ms. Gladys Ann Wells, Collection Development, Research Division, Arizona Dept. of Library, Archives and Public Records, State Law Library 1501 W. Washington, Phoenix, AZ 85007, (602) 542-4035

Arkansas

Administrative Office of the Courts

Mr. James D. Gingerich, Director, Supreme Court of Arkansas, Administrative Office of the Courts, Justice Building, 625 Marshall, Little Rock, AR 72201-1078, (501) 682-9400

California

Administrative Office of the Courts

Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415) 396-9100

Colorado

Supreme Court Library

Ms. Lois Calvert, Supreme Court Law Librarian, Colorado State Judicial Building, 2 East 14th Avenue, Denver, CO 80203, (303) 837-3720

Connecticut

State Library

Ms. Denise D. Jernigan, Head, Law/Legislative Reference Unit, Connecticut State Library, Hartford, CT 06106, (860) 566-2516

Delaware

Administrative Office of the Courts

Mr. Michael E. McLaughlin, Deputy Director, Administrative Office of the Courts, Carvel State Office Building, 820 North French Street, 11th Floor, P.O. Box 8911, Wilmington, DE 19801, (302) 577-8481

District of Columbia

Executive Office, District of Columbia Courts

Mr. Ulysses Hammond, Executive Officer, District of Columbia Courts, 500 Indiana Avenue, N.W., Washington, D.C. 20001, (202) 879-1700

Florida

Administrative Office of the Courts

Mr. Kenneth Palmer, State Court Administrator, Florida State Courts System, Supreme Court Building, Tallahassee, FL 32399-1900, (904) 488-8621

Georgia

Administrative Office of the Courts

Mr. Hulett H. Askew, Interim Director, AOC, The Judicial Council of Georgia, 244 Washington St., S.W., Suite 550, Atlanta, GA 30334-5900, (404) 656-5171

Hawaii

Supreme Court Library

Ms. Ann Koto, State Law Librarian, The Supreme Court Law Library, 417 South King St., Room 119, Honolulu, HI 96813, (808) 539-4965

Idaho

AOC Judicial Education Library / State Law Library

Ms. Beth Peterson, State Law Librarian, Idaho State Law Library, Supreme Court Building, 451 West State St., Boise, ID 83720, (208) 334-3316

Illinois

Supreme Court Library

Ms. Brenda Larison, Supreme Court of Illinois Library, 200 East Capitol Avenue, Springfield, IL 62701-1791, (217) 782-2425

Indiana

Supreme Court Library

Dennis Lager, Supreme Court Librarian, Supreme Court Library, State House, Room 316, Indianapolis, IN 46204, (317) 232-2557

Iowa

Administrative Office of the Court

Dr. Jerry K. Beatty, Executive Director, Judicial, Education & Planning, Administrative Office of the Courts, State Capital Building, Des Moines, IA 50319, (515) 281-8279

Kansas

Supreme Court Library

Mr. Fred Knecht, Law Librarian, Kansas Supreme Court Library, 301 West 10th Street, Topeka, KS 66612, (913) 296-3257

Kentucky

State Law Library

Ms. Sallie Howard, State Law Librarian, State Law Library, State Capital, Room 200, Frankfort, KY 40601, (502) 564-4848

Louisiana

State Law Library

Ms. Carol Billings, Director, Louisiana Law Library, 301 Loyola Avenue, New Orleans, LA 70112, (504) 568-5705

Maine

State Law and Legislative Reference Library

Ms. Lynn E. Randall, State Law Librarian, 43 State House Station, Augusta, ME 04333, (207) 287-1600

Maryland

State Law Library

Mr. Michael S. Miller, Director, Maryland State Law Library, Court of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, (410) 260-1430

Massachusetts

Middlesex Law Library

Ms. Sandra Lindheimer, Librarian, Middlesex Law Library, Superior Court House, 40 Thorndike Street, Cambridge, MA 02141, (617) 494-4148

Michigan

Michigan Judicial Institute

Mr. Kevin Bowling, Director, Michigan Judicial Institute, 222 Washington Square North, P.O. Box 30205, Lansing, MI 48909, (517) 334-7804

Minnesota

State Law Library (Minnesota Judicial Center)

Mr. Marvin R. Anderson, State Law Librarian, Supreme Court of Minnesota, 25 Constitution Avenue, St. Paul, MN 55155, (612) 297-2084

Mississippi

Mississippi Judicial College

Mr. Leslie Johnson, Director, University of Mississippi, P.O. Box 8850, University, MS 38677, (601) 232-5955

Montana

State Law Library

Ms. Judith Meadows, State Law Librarian, State Law Library of Montana, 215 North Sanders, Helena, MT 59620, (406) 444-3660

Nebraska

Administrative Office of the Courts

Mr. Joseph C. Steele, State Court Administrator, Supreme Court of Nebraska, Administrative Office of the Courts, P.O. Box 98910, Lincoln, NE 68509-8910, (402) 471-3730

Nevada

National Judicial College

Honorable V. Robert Payant, President, National Judicial College, Judicial College Building, University of Nevada, Reno, NV 89550, (702) 784-6747

New Jersey

New Jersey State Library

Marjorie Garwig, Supervising Law Librarian, New Jersey State Law Library, 185 West State Street, P.O. Box 520, Trenton, NJ 08625-0250, (609) 292-6230

New Mexico

Supreme Court Library

Mr. Thaddeus Bejnar, Librarian, Supreme Court Library, Post Office Drawer L, Santa Fe, NM 87504, (505) 827-4850

New York

Supreme Court Library

Ms. Colleen Stella, Principal Law Librarian, New York State Supreme, Court Law Library, Onondaga County Court House, 401 Montgomery Street, Syracuse, NY 13202, (315) 435-2063

North Carolina

Supreme Court Library

Ms. Louise Stafford, Librarian, North Carolina Supreme Court Library, P.O. Box 28006, 2 East Morgan Street, Raleigh, NC 27601, (919) 733-3425

North Dakota

Supreme Court Library

Ms. Marcella Kramer, Assistant Law Librarian, Supreme Court Law Library, 600

East Boulevard Avenue, Dept. 182, 2nd Floor, Judicial Wing, Bismarck, ND 58505-0540, (701) 328-2229

Northern Mariana Islands

Supreme Court of the Northern Mariana Islands

Honorable Marty W. K. Taylor, Chief Justice, Supreme Court of the Northern Mariana Islands, P.O. Box 2165, Saipan, MP 96950, (670) 234-5275

Ohio

Supreme Court Library

Mr. Paul S. Fu, Law Librarian, Supreme Court Law Library, Supreme Court of Ohio, 30 East Broad Street, Columbus, OH 43266-0419, (614) 466-2044

Oklahoma

Administrative Office of the Courts

Mr. Howard W. Conyers, Director, Administrative Office of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, OK 73105, (405) 521-2450

Oregon

Administrative Office of the Courts

Ms. Kingsley Click, State Court Administrator, Supreme Court of Oregon, Supreme Court Building, 1163 State Street, Salem, OR 97310, (503) 378-6046

Pennsylvania

State Library of Pennsylvania

Ms. Sharon Anderson, State Justice Depository, State Library of Pennsylvania, Collection Management, Room G-48 Forum Building, P.O. Box 1601, Harrisburg, PA 17105-1601, (717) 787-5718

Puerto Rico

Office of Court Administration

Alfredo Rivera-Mendoza, Esq., Director, Area of Planning and Management, Office of Court Administration, P.O. Box 917, Hato Rey, R 00919

Rhode Island

Roger Williams Law School Library,

Mr. Kendall Svengalis, Law Librarian, Licht Judicial Complex, 250 Benefit Street, Providence, RI, (401) 254-4546

South Carolina

Coleman Karesh Law Library

(University of South Carolina School of Law) Mr. Bruce S. Johnson, Law Librarian, Associate Professor of Law, Coleman Karesh Law Library, U. S. C. Law Center, University of South Carolina, Columbia, SC 29208, (803) 777-5944

Tennessee

Tennessee State Law Library

Administrative Office of the Courts, State of Tennessee, 511 Union, Nashville, TN 37243-0607, (615) 741-2687

Texas

State Law Library

Ms. Kay Schleuter, Director, State Law Library, P.O. Box 12367, Austin, TX 78711, (512) 463-1722

U.S. Virgin Islands

Library of the Territorial Court of the Virgin Islands (St. Thomas)

Librarian, The Library, Territorial Court of the Virgin Islands, Post Office Box 70, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00804

Utah

Utah State Judicial Administration Library

Ms. Debbie Christiansen, Utah State Judicial Administration Library, AOC, 450 South State, P.O. Box 140241, Salt Lake City, UT 84114-0241, (801) 533-6371

Vermont

Supreme Court of Vermont

Mr. Lee Suskin, Court Administrator, Supreme Court of Vermont, 109 State Street c/o Pavilion Office Building, Montpelier, VT 05609, (802) 828-3278

Virginia

Administrative Office of the Courts

Mr. Robert N. Baldwin, Executive Secretary, Supreme Court of Virginia, Administrative Offices, 100 North Ninth Street, 3rd Floor, Richmond, VA 23219, (804) 786-6455

Washington

Washington State Law Library

Ms. Deborah Norwood, State Law Librarian, Washington State Law Library, Temple of Justice, P.O. Box 40751, Olympia, WA 98504-0751, (206) 357-2136

West Virginia

Administrative Office of the Courts

Mr. Richard H. Rosswurm, Chief Deputy, West Virginia Supreme Court of Appeals, State Capitol, 1900 Kanawha, Charleston, WV 25305, (304) 348-0145

Wisconsin

State Law Library

Ms. Marcia Koslov, State Law Librarian, State Law Library, 310E State Capitol, P.O. Box 7881, Madison, WI 53707, (608) 266-1424

Wyoming

Wyoming State Law Library

Ms. Kathy Carlson, Law Librarian, Wyoming State Law Library, Supreme Court Building, 2301 Capitol Avenue, Cheyenne, WY 82002, (307) 777-7509

National*American Judicature Society*

Ms. Clara Wells, Assistant for Information and Library Services, 25 East Washington Street, Suite 1600, Chicago, IL 60602, (312) 558-6900

National Center for State Courts

Ms. Peggy Rogers, Acquisitions/Serials Librarian, 300 Newport Avenue, Williamsburg, VA 23187-8798, (804) 253-2000

JERITT

Ms. Jennae Rozeboom, Project Director, Judicial Education Reference, Information and Technical Transfer Project (JERITT), Michigan State University, 560 Baker Hall, East Lansing, MI 48824, (517) 353-8603

Appendix III—Illustrative List of Model Curricula

The following list includes examples of curricula that have been developed with support from SJI, that might be—or in some cases have been—successfully adapted for State-based education programs for judges and other court personnel. *Please refer to Section II.B.2.b.ii. for information on submitting a letter application for a Curriculum Adaptation Grant.* A list of all SJI-supported education projects is available from the Institute, and on the SJI website—www.clark.net/pub/sji. Please also check with the JERITT project (517/353-8603) and with your State SJI-designated library (see Appendix II) for information on other SJI-supported curricula that may be appropriate for your State's needs.

Alternative Dispute Resolution

Judicial Settlement Manual (National Judicial College: SJI-89-089)

Improving the Quality of Dispute Resolution (Ohio State University College of Law: SJI-93-277)

Comprehensive ADR Curriculum for Judges (American Bar Association: SJI-95-002)

Domestic Violence and Custody Mediation (American Bar Association: SJI-96-038)

Court Coordination

Adjudication of Farm Credit Issues (Rural Justice Center: SJI-87-059)

Bankruptcy Issues for State Trial Court Judges (American Bankruptcy Institute: SJI-91-027)

Intermediate Sanctions Handbook: Experiences and Tools for Policymakers (Center for Effective Public Policy: IAA-88-NIC-001)

Regional Conference Cookbook: A Practical Guide to Planning and Presenting a Regional Conference on State-Federal Judicial Relationships (U.S. Court of Appeals for the 9th Circuit: SJI-92-087)

Bankruptcy Issues and Domestic Relations Cases (American Bankruptcy Institute: SJI-96-175)

Court Management

Managing Trials Effectively: A Program for State Trial Judges (National Center for State Courts/National Judicial College: SJI-87-066/067, SJI-89-054/055, SJI-91-025/026)

Caseflow Management Principles and Practices (Institute for Court Management/National Center for State Courts: SJI-87-056)

Judicial Education Curriculum: Teaching Guides on Court Security, and Jury Management and Impanelment (Institute for Court Management/National Center for State Courts: SJI-88-053)

A Manual for Workshops on Processing Felony Dispositions in Limited Jurisdiction

Courts (National Center for State Courts: SJI-90-052)

Managerial Budgeting in the Courts; Performance Appraisal in the Courts; Managing Change in the Courts; Court Automation Design; Case Management for Trial Judges; Trial Court Performance Standards (Institute for Court Management/National Center for State Courts: SJI-91-043)

Implementing the Court-Related Needs of Older Persons and Persons with Disabilities (National Judicial College: SJI-91-054)

Strengthening Rural Courts of Limited Jurisdiction and Team Training for Judges and Clerks (Rural Justice Center: SJI-90-014, SJI-91-082)

Interbranch Relations Workshop (Ohio Judicial Conference: SJI-92-079)

Integrating Trial Management and Caseflow Management (Justice Management Institute: SJI-93-214)

Leading Organizational Change (California Administrative Office of the Courts: SJI-94-068)

Privacy Issues in Computerized Court Record Keeping: An Instructional Guide for Judges and Judicial Educators (National Judicial College: SJI-94-015)

Managing Mass Tort Cases (National Judicial College: SJI-94-141)

Employment Responsibilities of State Court Judges (National Judicial College: SJI-95-025)

Dealing with the Common Law Courts: A Model Curriculum for Judges and Court Staff (Institute for Court Management/National Center for State Courts: SJI-96-159)

Courts and Communities

A National Program for Reporting on the Courts and the Law (American Judicature Society: SJI-88-014)

Victim Rights and the Judiciary: A Training and Implementation Project (National "Organization for Victim Assistance: SJI-89-083)

National Guardianship Monitoring Project: Trainer and Trainee's Manual (American Association of Retired Persons: SJI-91-013)

Access to Justice: The Impartial Jury and the Justice System and When Implementing the Court-Related Needs of Older People and Persons with Disabilities: An Instructional Guide (National Judicial College: SJI-91-054)

You Are the Court System: A Focus on Customer Service (Alaska Court System: SJI-94-048)

Serving the Public: A Curriculum for Court Employees (American Judicature Society: SJI-96-040)

Courts and Their Communities: Local Planning and the Renewal of Public Trust and Confidence: A California Statewide Conference (California Administrative Office of the Courts: SJI-98-008)

Criminal Process

Search Warrants: A Curriculum Guide for Magistrates (American Bar Association Criminal Justice Section: SJI-88-035)

- Diversity, Values, and Attitudes
- Troubled Families, Troubled Judges (Brandeis University: SJI-89-071)
- The Crucial Nature of Attitudes and Values in Judicial Education (National Council of Juvenile and Family Court Judges: SJI-90-058)
- Enhancing Diversity in the Court and Community (Institute for Court Management/National Center for State Courts: SJI-91-043)
- Cultural Diversity Awareness in Nebraska Courts from Native American Alternatives to Incarceration Project (Nebraska Urban Indian Health Coalition: SJI-93-028)
- A Videotape Training Program in Ethics and Professional Conduct for Nonjudicial Court Personnel and The Ethics Fieldbook: Tool For Trainers (American Judicature Society: SJI-93-068)
- Court Interpreter Training Course for Spanish Interpreters (International Institute of Buffalo: SJI-93-075)
- Doing Justice: Improving Equality Before the Law Through Literature-Based Seminars for Judges and Court Personnel (Brandeis University: SJI-94-019)
- Race Fairness and Cultural Awareness Faculty Development Workshop (National Judicial College: SJI-93-063)
- Indian Welfare Act"; "Defendants, Victims, and Witnesses with Mental Retardation (National Judicial College: SJI-94-142)
- Multi-Cultural Training for Judges and Court Personnel (St. Petersburg Junior College: SJI-95-006)
- Ethical Standards for Judicial Settlement: Developing a Judicial Education Module (American Judicature Society: SJI-95-082)
- Code of Ethics for the Court Employees of California (California Administrative Office of the Courts: SJI-95-245)
- Workplace Sexual Harassment Awareness and Prevention (California Administrative Office of the Courts: SJI-96-089)
- Just Us On Justice: A Dialogue on Diversity Issues Facing Virginia Courts (Virginia Supreme Court: SJI-96-150)
- When Bias Compounds: Insuring Equal Treatment for Women of Color in the Courts (National Judicial Education Program: SJI-96-161)
- When Judges Speak Up: Ethics, the Public, and the Media (American Judicature Society: SJI-96-152)
- Family Violence and Gender-Related Violence Crime
- National Judicial Response to Domestic Violence: Civil and Criminal Curricula (Family Violence Prevention Fund: SJI-87-061, SJI-89-070, SJI-91-055).
- Domestic Violence: A Curriculum for Rural Courts from A Project to Improve Access to Rural Courts for Victims of Domestic Violence (Rural Justice Center: SJI-88-081)
- Judicial Training Materials on Spousal Support; Judicial Training Materials on Child Custody and Visitation from Enhancing Gender Fairness in the State Courts (Women Judges' Fund for Justice: SJI-89-062)
- Judicial Response to Stranger and Nonstranger Rape and Sexual Assault (National Judicial Education Program to Promote Equality for Women and Men: SJI-92-003)
- Domestic Violence & Children: Resolving Custody and Visitation Disputes (Family Violence Prevention Fund: SJI-93-255)
- Adjudicating Allegations of Child Sexual Abuse When Custody Is In Dispute (National Judicial Education Program: SJI-95-019)
- Handling Cases of Elder Abuse: Interdisciplinary Curricula for Judges and Court Staff (American Bar Association: SJI-93-274)
- Health and Science
- Medicine, Ethics, and the Law: Preconception to Birth (Women Judges Fund for Justice: SJI-89-062, SJI-91-019)
- "Judicial Educator's Workshop Curriculum Guide: Implementing Medical Legal Training" from Medical Legal Issues in Juvenile and Family Courts (National Council for Juvenile and Family Court Judges: SJI-91-091)
- Environmental Law Resource Handbook (University of New Mexico Institute for Public Law: SJI-92-162)
- Judicial Education For Appellate Court Judges
- Career Writing Program for Appellate Judges (American Academy of Judicial Education: SJI-88-086-P92-1)
- Civil and Criminal Procedural Innovations for Appellate Courts (National Center for State Courts: SJI-94-002)
- Judicial Education Faculty, and Program Development
- The Leadership Institute in Judicial Education and The Advanced Leadership Institute in Judicial Education (University of Memphis: SJI-91-021)
- "Faculty Development Instructional Program" from Curriculum Review (National Judicial College: SJI-91-039)
- Resource Manual and Training for Judicial Education Mentors (National Association of State Judicial Educators: SJI-95-233)
- Institute for Faculty Excellence in Judicial Education, (National Council of Juvenile and Family Court Judges: SJI-96-042)
- Orientation and Mentoring of Judges and Court Personnel
- Manual for Judicial Writing Workshop for Trial Judges (University of Georgia/Colorado Judicial Department: SJI-87-018/019)
- Legal Institute for Special and Limited Jurisdiction Judges (National Judicial College: SJI-89-043, SJI-91-040)
- Pre-Bench Training for New Judges (American Judicature Society: SJI-90-028)
- A Unified Orientation and Mentoring Program for New Judges of All Arizona Trial Courts (Arizona Supreme Court: SJI-90-078)
- Court Organization and Structure (Institute for Court Management/National Center for State Courts: SJI-91-043)
- Judicial Review of Administrative Agency Decisions (National Judicial College: SJI-91-080)
- New Employee Orientation Facilitators Guide (Minnesota Supreme Court: SJI-92-155)
- Magistrates Correspondence Course (Alaska Court System: SJI-92-156)
- Computer-Assisted Instruction for Court Employees (Utah Administrative Office of the Courts: SJI-94-012)
- Bench Trial Skills and Demeanor: An Interactive Manual (National Judicial College: SJI-94-058)
- Ethical Issues in the Election of Judges (National Judicial College: SJI-94-142)
- Juveniles and Families in Court
- Innovative Juvenile and Family Court Training (Youth Law Center: SJI-87-060, SJI-89-039)
- Fundamental Skills Training Curriculum for Juvenile Probation Officers (National Council of Juvenile and Family Court Judges: SJI-90-017)
- Child Support Across State Lines: The Uniform Interstate Family Support Act from Uniform Interstate Family Support Act: Development and Delivery of a Judicial Training Curriculum (ABA Center on Children and the Law: SJI-94-321)
- Strategic and Futures Planning
- Minding the Courts into the Twentieth Century (Michigan Judicial Institute: SJI-89-029)
- An Approach to Long-Range Strategic Planning in the Courts (Center for Public Policy Studies: SJI-91-045)
- Substance Abuse
- Effective Treatment for Drug-Involved Offenders: A Review & Synthesis for Judges and Court Personnel (Education Development Center, Inc.: SJI-90-051)
- Good Times, Bad Times: Drugs, Youth, and the Judiciary (Professional Development and Training Center, Inc.: SJI-91-095)
- Gaining Momentum: A Model Curriculum for Drug Courts (Florida Office of the State Courts Administrator: SJI-94-291)
- Judicial Response to Substance Abuse: Children, Adolescents, and Families (National Council of Juvenile and Family Court Judges: SJI-95-030)
- Appendix IV—Illustrative List of Replicable Projects**
- The following list includes examples of projects undertaken with support from SJI that might be—or in some cases have been—successfully adapted and replicated in other in other jurisdictions. *Please see Section II.C.1. for information on submitting a concept paper requesting a grant to replicate one of these or another SJI-supported project.* A list of all SJI-supported projects is available from the Institute and on the Institute's website —www.clark.net/pub/sji.
- Alternative Dispute Resolution**
- Computerized Citizen Intake and Referral Service, Grantee: District of Columbia Courts, Contact: Charles Bethell, 500 Indiana Avenue, N.W., Washington, DC 20001, (202) 879-1479, Grant No: SJI-93-211
- Application of Technology**
- File Transfer Technology Application in Use of Court Information, Grantee: South Carolina Bar, Contact: Yvonne Visser, 950 Taylor Street, P.O. Box 608, Columbia, SC 29202-0608, (803) 799-6653, Grant Nos: SJI-91-088; SJI-91-088-P93-1; SJI-91-088-P94-1

Managing Documents with Imaging Technology, Grantee: Alaska Judicial Council, Contact: William T. Cotton, 1029 W. Third Avenue, Suite 201, Anchorage, AK 99501-1917, (907) 279-2526, Grant No: SJI-92-083

Automated Teller Machines for Juror Payment, Grantee: District of Columbia Courts, Contact: Philip Braxton, 500 Indiana Avenue, N.W., Washington, DC 20001, (202) 879-1700, Grant No: SJI-92-139

Analytical Judicial Desktop, Grantee: Fund for the City of New York, Contact: Michele Sviridoff, Mid-Town Community Court, 314 W. 54th Street, New York, New York 10019, (212) 484-2721, Grant No: SJI-94-323

Children and Families in Court

A Day in Court: A Child's Perspective, Grantee: Massachusetts Trial Court, Contact: Hon. John Irwin, 2 Center Plaza, Boston, MA 02108, (617) 742-8575, Grant No: SJI-91-079

Parent Education and Custody Effectiveness, (PEACE) Program, Grantee: Hofstra University, Contact: Andrew Shephard, 1000 Fulton Avenue, Hempstead, NY 11550-1090, (516) 463-5890, Grant No: SJI-93-265

A Judge's Guide to Culturally Competent Responses to Latino Family Violence, Grantee: Center for Public Policy Studies, Contacts: Stephen Weller, John Martin, 999 18th Street, Suite 900, Denver, Colorado 80202, Grant No: SJI-96-230,

Court Management, Coordination and Planning

Tribal Court-State Court Forums: A How To-Do-It guide to Prevent and Resolve Jurisdictional Disputes and Improve Cooperation Between Tribal and State Courts, Grantee: National Center for State Courts, Contact: Frederick Miller, 1331 17th Street, Suite 402, Denver, Colorado 80202-1554, (303) 293-3063, Grant No: SJI-91-011)

Measurement of Trial Court Performance, Grantee: Washington Administrative Office for the Courts, Contact: Yvonne Pettus, 1206 S. Quince Street, Olympia, WA 98504, (360) 357-2121, Grant No: SJI-91-017; SJI-91-017-P92-1

Measurement of Trial Court Performance, Grantee: New Jersey Administrative Office of the Courts, Contact: Theodore J. Fetter, CN-037, RJH Justice Complex, Trenton, NJ 08625, (609) 984-0275, Grant No: SJI-91-023; SJI-91-023-P93-1

Measurement of Trial Court Performance, Grantee: Ohio Supreme Court, Contact: Stephan W. Stover, State Office Tower, 30 East Broad Street, Columbus, OH 43266-0419, (614) 466-2653, Grant No: SJI-91-024; SJI-91-024-P93-1

Measurement of Trial Court Performance, Grantee: Supreme Court of Virginia, Contact: Beatrice Monahan, 100 North Ninth Street, Third Floor, Richmond, VA 23219, (804) 786-6455, Grant No: SJI-91-042; SJI-91-042-P93-1

Probate Caseflow Management Project, Grantee: Ohio Supreme Court/Trumbull County Probate Court, Contact: Susan

Lightbody, 160 High Street, N.W., DNMWarren, OH 44481, (216) 675-2566, Grant No: SJI-92-081; SJI-92-081-P94-1; SJI-92-081-P95-1

Implementing Quality Methods in Court Operations, Grantee: Oregon Supreme Court, Contact: Scott Crampton, Supreme Court Building, Salem, OR 97310, (503) 378-5845, Grant No: SJI-92-170

Applying TQM Concepts to Systemwide Problems of the Maine Judicial Branch, Grantee: Maine Supreme Judicial Court, Contact: James T. Glessner, P.O. Box 4820, Portland, Maine 04101, (207) 822-0792, Grant No: SJI-93-072

Arizona-Sonora Judicial Relations Project, Grantee: Arizona Supreme Court, Contact: Dennis Metrick, 1501 W. Washington Street, Phoenix, Arizona 85007-3327, (602) 542-4532, Grant No: SJI-93-202

Implementing Strategic Planning in the Trial Courts, Grantee: Center for Public Policy Studies, Contact: David Price, 999 18th Street, Suite 900, Denver, CO 80202, (303) 863-0900, Grant No: SJI-94-021

Interstate Compacts and Cooperation in Guardianship Cases, Grantee: National College of Probate Judges', Contact: Paula Hannaford, P.O. Box 8978, Williamsburg, Virginia 23187-8798, (757) 253-2000, Grant No: SJI-97-241

Courts and Communities

AARP Volunteers: A Resource for Strengthening Guardianship Services, Grantee: American Association of Retired Persons, Contact: Wayne Moore, 601 E Street, N.W., Washington, DC 20049, (202) 434-2165, Grant Nos: SJI-88-033 /SJI-91-013

Establishing a Consumer Research and Service Development Process Within the Judicial System, Grantee: Supreme Court of Virginia, Contact: Beatrice Monahan, Administrative Offices, Third Floor 100 North Ninth Street, Richmond, VA 23219, (804) 786-6455, Grant No: SJI-89-068

Housing Court Video Project, Grantee: Association of the Bar of the City of New York, Contact: Marilyn Kneeland, 42 West 44th Street, New York, NY 10036-6690, (212) 382-6620, Grant No: SJI-90-041

Tele-Court: A Michigan Judicial System Public Information Program, Grantee: Michigan Supreme Court, Contact: Judy Bartell, State Court Administrative Office, 611 West Ottawa Street, P.O. Box 30048, Lansing, MI 48909, (517) 373-0130, Grant No: SJI-91-015

Arizona Pro Per Information System (QuickCourt), Grantee: Arizona Supreme Court, Contact: Jeannie Lynch, Administrative Office of the Court, 1501 West Washington Street, Suite 411, Phoenix, AZ 85007-3330, (602) 542-9554, Grant No: SJI-91-084

Automated Public Information System, Grantee: California Administrative Office of the Courts, Contact: Mark Greenia, Sacramento Superior and Municipal Court, 303 Second Street, South Tower, San Francisco, CA 94107, (916) 440-7590, Grant No: SJI-91-093

Using Judges and Court Personnel to Facilitate Access to Courts by Limited English Speakers, Grantee: Washington

Office of the Administrator for the Courts, Contact: Joanne Moore, 1206 South Quince Street, P.O. Box 41170, Olympia, WA 98504-1170, (206) 753-3365, Grant No: SJI-92-147

Pro se Forms and Instructions Packets, Grantee: Michigan Supreme Court, Contact: Pamela Creighton, 611 W. Ottawa Street, Lansing, MI 48909, Grant No: SJI-94-003

Understanding the Judicial Process: A Curriculum and Community Service Program, Grantee: Drake University, Contact: Timothy Buzzell, Opperman Hall, Des Moines, IA 50311, (515) 271-3205, Grant No: SJI-94-022

Court Self-Service Center, Grantee: Maricopa County Superior Court, Contact: Bob James, 201 W. Jefferson, 4th Floor, Phoenix, AZ 85003, (602) 506-6314, Grant No: SJI-94-324

Computer-Based Interpreter Test Delivery System, Grantee: Maryland Administrative Office of the Courts, Contact: Elizabeth Veronis, 361 Rowe Boulevard, Annapolis, Maryland 21401, (410) 974-2141, Grant No: SJI-96-164

Public Opinion and the Courts, Grantee: New Mexico Administrative Office of the Courts, Contact: John M. Greacen, 237 Don Gaspar, Room 25, Santa Fe, New Mexico 87501-2178, (505) 827-4800, Grant No: SJI-97-026

Sentencing

Court Probation Enhancement Through Community Involvement, Grantee: Volunteers in Prevention, Probation and Prisons, Inc., Contact: Gerald Dash, 163 Madison, Suite 120, Detroit, MI 48226, (313) 964-1110, Grant No: SJI-91-073

Facilitating the Appropriate Use of Intermediate Sanctions, Grantee: Center for Effective Public Policy, Contact: Peggy McGarry, 8403 Colesville Road, Suite 720, (301) 589-9383, Grant No: SJI-95-078

Substance Abuse

Alabama Alcohol and Drug Abuse Court Referral Officer Program, Grantee: Alabama Administrative Office of the Courts, Contact: Angelo Trimble, 817 South Court Street, Montgomery, AL 36130-0101, (334) 834-7990, Grant Nos: SJI-88-030/SJI-89-080/SJI-90-005

Substance Abuse Assessment and Intervention to Reduce Driving Under the Influence of Alcohol Recidivism, Grantee: California Administrative Office of the Courts c/o El Cajon Municipal Court, Contact: Fred Lear, 250 E. Main Street, El Cajon, CA 92020, (619) 441-4336, Grant No: SJI-88-029/SJI-90-008

Court Referral Officer Program, Grantee: New Hampshire Supreme Court, Contact: Jim Kelley, Supreme Court Building, Concord, NH 03301, (603) 271-2521, Grant No: SJI-92-142

Appendix V—State Justice Institute (Form S1)

SCHOLARSHIP APPLICATION

This application does not serve as a registration for the course. Please contact the education provider.

Applicant Information

1. Applicant Name:

(Last) (First) (M)

2. Position:

3. Name of Court:

4. Address:

Street/P.O. Box

City State Zip Code

5. Telephone No.

6. Congressional District:

Program Information

7. Course Name:

8. Course Dates:

9. Course Provider:

10. Location Offered:

Estimated Expenses: (Please note, scholarships are limited to tuition and transportation expenses to and from the site of the course up to a maximum of \$1,500.)

Tuition: \$

Transportation: \$

(Airfare, train fare, or if you plan to drive, an amount equal to the approximate distance and mileage rate.)

Amount Requested: \$

Are you seeking/have you received a scholarship for this course from another source?

___ Yes ___ No. If so, please specify the source(s) and amounts(s)

ADDITIONAL INFORMATION: Please attach a current resume or professional summary, and provide the information

requested below. (You may attach additional pages if necessary.)

1. Please describe your need to acquire the skills and knowledge taught in this course.

2. Please describe how will taking this course benefit you, your court, and the State's courts generally.

3. Is there an educational program currently available through your State on this topic?

4. Are State or local funds available to support your attendance at the proposed course? If so, what amount(s) will be provided?

5. How long have you served as a judge or court manager?

6. How long do you anticipate serving as a judge or court manager, assuming reelection or reappointment?

0-1 year 2-4 years 5-7 years

8-10 years 11+years

7. What continuing professional education programs have you attended in the past year? Please indicate which were mandatory (M) and which were non-mandatory (V).

Statement of Applicant's Commitment

If a scholarship is awarded, I will share the skills and knowledge I have gained with my court colleagues locally, and if possible, Statewide, and I will submit an evaluation of the educational program to the State Justice Institute and to the Chief Justice of my State.

Signature

Date

Please return this form and Form S-2 to: Scholarship Coordinator, State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314 (Form S2)

State Justice Institute

SCHOLARSHIP APPLICATION

CONCURRENCE

I, _____
Name of Chief Justice (or Chief Justice's Designee)
have reviewed the application for a scholarship to attend the program entitled _____
prepared by _____

Name of Applicant
and concur in its submission to the State Justice Institute. The applicant's participation in the program would benefit the State; the applicant's absence to attend the program would not present an undue hardship to the court; public funds are not available to enable the applicant to attend this course; and receipt of a scholarship would not diminish the amount of funds made available by the State for judicial branch education.

Signature

Name

Title

Date

Appendix VI—Line-Item Budget Form

For Concept Papers, Curriculum Adaptation & Technical Assistance Grant Requests

Category	SJI Funds	Cash Match	In-kind match
Personnel	\$ _____	\$ _____	\$ _____
Fringe Benefits	\$ _____	\$ _____	\$ _____
Consultant/Contractual	\$ _____	\$ _____	\$ _____
Travel	\$ _____	\$ _____	\$ _____
Equipment	\$ _____	\$ _____	\$ _____
Supplies	\$ _____	\$ _____	\$ _____
Telephone	\$ _____	\$ _____	\$ _____
Postage	\$ _____	\$ _____	\$ _____
Printing/Photocopying	\$ _____	\$ _____	\$ _____
Audit	\$ _____	\$ _____	\$ _____
Other	\$ _____	\$ _____	\$ _____
Indirect Costs (%)	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____
Project Total	\$ _____	\$ _____	\$ _____

Financial assistance has been or will be sought for this project from the following other sources:

* Concept papers requesting an accelerated award, Curriculum Adaptation grant requests, and Technical Assistance grant requests should be accompanied by a budget narrative explaining the basis for each line-item listed in the proposed budget.

Form B (Instructions on Reverse Side)

Appendix VII—State Justice Institute

Certificate of State Approval

The _____ (Name of State Supreme Court or Designated Agency or Council) has reviewed the application entitled _____ prepared by _____ (Name of Applicant)—approves its submission to the State Justice Institute, and

[] agrees to receive and administer and be accountable for all funds awarded by the Institute pursuant to the application.
[] designates _____ (Name of Trial or Appellate Court or Agency) as the entity to receive, administer, and be accountable for all funds awarded by the Institute pursuant to the application.

Signature

Name

Title

Date

[FR Doc. 98-27234 Filed 10-14-98; 8:45 am]

BILLING CODE 6820-SC-P



Thursday
October 15, 1998

Part III

Postal Service

39 CFR Part 111

New Specifications for Automated Flats;
Rule

POSTAL SERVICE**39 CFR Part 111****New Specifications for Automated Flats**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule sets forth the DMM standards adopted by the Postal Service to implement the discount rate for automation flat-size mailpieces processed on the Flat Sorting Machine (FSM) 1000. The FSM 1000 is capable of processing mailpieces that cannot be processed on the FSM 881. FSM 1000 machines are being retrofitted with barcode readers. Mailpieces that currently do not qualify for automation flat rates will be eligible if pieces meet the size and other criteria for processing on the FSM 1000, are prepared with correct ZIP+4 or delivery point barcodes, and meet other preparation requirements.

EFFECTIVE DATE: This final rule became effective at 12:01 a.m. on October 4, 1998.

FOR FURTHER INFORMATION CONTACT: Karen A. Magazino, (202) 268-3854.

SUPPLEMENTARY INFORMATION: On August 26, 1998, the Postal Service published for public comment in the **Federal Register** a proposed rule (63 FR 45440) that provided information on the implementation of automation flat rates for pieces prepared as automated flats that meet the physical mailpiece requirements for the FSM 1000. The revised DMM standards became effective October 4, 1998.

Deployment of 340 FSM 1000s has been completed in major processing and distribution centers nationwide. Barcode reader deployment for the FSM 1000s will be completed by February 1999. Newspapers, tabloids, catalogs, and many kinds of polywrap that cannot be processed on existing FSM 881 equipment can be processed on FSM 1000 equipment and will now be able to qualify for automation discounts.

Flat mailpieces must meet the uniformity requirements contained in C820.8.0.

The FSM 1000 can efficiently process pieces that are bound or, if unbound, are double folded. Since newspapers are double-folded, they pose little problem for processing on the FSM 1000. However, many flat-sized mail pieces are not bound or double-folded; therefore, unbound flat-sized mailpieces will be required to be prepared with two folds. The second fold must be perpendicular to the original fold. In order to give publishers and printers the

opportunity to make adjustments to their periodical design to comply with this requirement, the Postal Service has determined to suspend the effective date of this requirement until October 4, 2000.

Testing has shown that larger pieces can be processed on FSM 1000 than on the FSM 881. Separate size, weight, and thickness dimensions for mail that can be processed on the FSM 1000 will be added to the eligibility criteria for automation flat rates in DMM C820. The FSM 1000 can process a piece up to 12 inches high by 15¾ inches in length. For the FSM 1000, the length is the longest edge except that for pieces that are folded or have a bound edge, where the length is the dimension parallel to the folded or bound edge. This is different from the definitions of length and height for mailpieces processed on FSM 881. For FSM 881 pieces, the height is defined as the dimension parallel to the folded or bound edge. The length for folded pieces or pieces with a bound edge that are processed on the FSM 1000 increases 3¾ inches (for example, the bound edge) but the height decreases 3 inches (for example, the edge perpendicular to the bound edge). The minimum height and length for all flats processed on the FSM 1000 is 4 inches high by 4 inches long provided the mailpiece is greater than ½-inch. Mailpieces less than 5 inches in length must be greater than ¼-inch thick. The minimum thickness for pieces 5 inches or more in length is 0.009 inch.

Testing of flat mailpieces demonstrated that as the length of the piece decreases, the thickness may increase. The maximum thickness requirement for the FSM 1000 mail is 1¼ inches if the length of the mailpiece is 13 inches in length. For pieces over 13 inches, the thickness cannot exceed 7/8 inch.

The maximum weight for First-Class Mail mailpieces processed on the FSM 1000 is 11 ounces (13 ounces after rate case implementation, January 10, 1999), up to 16 ounces for Standard Mail (A), and 6 pounds for Periodicals.

For pieces processed on the FSM 1000, the correct and properly prepared POSTNET barcode must be placed at least ⅛ inch from any edge of the mailpiece. However, since there has been a demonstrated "slump" on certain mailpieces, we strongly recommend barcodes be placed at least 2 inches from the dimension that is the length (the longest edge or, if bound or folded, the bound or folded edge).

For pieces processed on the FSM 1000, barcode requirements found in C840.4.0, C840.5.0, and C840.6.0 still apply.

Pieces that do not meet the FSM 881 dimensions, but do meet the FSM 1000 dimensions may be prepared with polywrap under the guidelines specified in DMM C820.4.0 except that only physical property number 2 (haze) will be required. Pieces prepared with FSM 1000 approved polywrap must bear a separate marking from pieces prepared with FSM 881 approved polywrap to indicate the flat sorting machine for which the polywrap was approved. Mailers will be given a 1-year grace period to begin using the new polywrap markings that specify whether the polywrap is approved for FSM 881 or FSM 1000 approved.

When addressing a polywrapped FSM 881 or FSM 1000 flat mailpiece, if the address label is on the outside of the polywrapped piece, the haze requirement is not applicable nor is review of the polywrap by the mailpiece design analyst (MDA) prior to mailing.

Although the Postal Service is extending the discount to pieces that can be processed on FSM 1000 equipment, it does not wish to encourage mailers to prepare pieces in a manner that would cause them to migrate from the more productive FSM 881 to the FSM 1000. In addition to productivity concerns, a large migration could also cause equipment capacity problems. Therefore, in order to qualify for the automation flats rates, mailpieces that meet the current automation flat height, length, thickness, and weight dimensions applicable to the FSM 881 under DMM C820.2.0 must continue to meet the current specifications for turning ability and deflection (current DMM C820.5.0 and proposed DMM C820.7.0) and if prepared with polywrap, must continue to meet all the polywrap criteria in DMM C820.4.0.

When presorting mail for the automation flat-size rates, pieces meeting the FSM 881 dimensions must be prepared in separate packages from pieces that meet the FSM 1000 dimensions. When preparing packages of pieces meeting the dimensions for the FSM 881, mailers may combine pieces of nonidentical weights provided appropriate postage payment methods are used. Likewise, within a package of pieces meeting the dimensions for the FSM 1000, mailers may combine pieces of non-identical weights provided appropriate postage payment methods are used. Separate package minimums must be met for each type of package, e.g. 10 pieces per package for First-Class and Standard Mail (A) and six pieces per package for Periodicals). This will allow packages of mail to be sorted to the appropriate flats processing

equipment at sack or tray opening units and at pallet breakdown operations.

Both types of automation flats packages (FSM 881 and FSM 1000 packages) may be placed in the same tray (First-Class) or in the same sack (Periodicals and Standard Mail (A)). For Periodicals and Standard Mail (A) both types of automation flats packages (FSM 881 and FSM 1000 packages) may be placed on the same pallet.

In addition, for Periodicals sacked mail, FSM 881 and FSM 1000 packages may be combined with nonautomation packages in 3-digit, SCF, ADC, and mixed ADC sacks and/or pallets. Periodicals automation flats packages must be placed in separate 5-digit sacks or pallets from Periodicals nonautomation packages. For First-Class and Standard Mail (A) mailings, automation rate mail must continue to be separately trayed (First-Class) or sacked (Standard Mail (A)), or separately palletized on five digit pallets from nonautomation rate mail.

These changes will be included in DMM Issue 54.

Part A of this notice summarizes major changes that have been made to or material added to the proposed implementation standards since the proposed rule was published. This includes changes made by the Postal Service in response to mailers' comments or for other reasons. Part B contains an analysis of comments received on the proposed rule and the Postal Service's responses. Part C summarizes the changes to the DMM, followed by the text of the revised DMM standards.

A. Major Changes and Additions to the Specifications Outlined in the August 26, 1998, Proposed Rule

1. Overhang (selvage)—The proposed rule required the polywrap overhang on the sides of the mailpiece must not be more than 1/4-inch. However, it has been determined that the FSM 1000 can process flats up to 3/4-inch overhang from all edges.

2. Double folds—The proposed rule required newspapers and tabloids to have two folds. It has been determined that newspapers are double-folded and, if any telescoping problems occur, they will be handled on a case-by-case basis. Bound tabloid publications appear to remain intact in processing operations. However, unbound publications cause mail slippage and telescoping problems; therefore, they are required to be double-folded, with the second fold perpendicular to the original fold. For publishers who are unable to comply at this date, a 2-year transition period will be given.

3. Polywrap marking—The proposed rule require the marking to include the company name in the mailpiece identification statement. The product name is required instead of the company name for verification purposes. In addition, the 6-month transition period for existing polywrap markings has been extended to one year, until October 4, 1999.

4. Package preparation—For periodicals, automation and nonautomation packages may not be combined in 5-digit sacks. Therefore, Customer Support Ruling 29, dated January 1997, will be rescinded. The applicable standards will be published in the DMM.

5. Wrap direction—The polywrap seam must be along the addressed side of the mailpiece, oriented from top to bottom on FSM 881 pieces. However, it has been determined that this is not a requirement for a FSM 1000 flat-size mailpiece.

6. Polywrap requirement—When addressing a polywrapped flat-size mailpiece the haze and verifying requirements are not applicable if the address label is placed on the outside of the polywrapped piece.

B. Summary of Comments From the August 26, 1998, Proposed Rule

The Postal Service received 21 pieces of correspondence offering comments on the August 26, 1998, proposed rule. Respondents included four associations and 17 major mailers, publishers, and printers.

The specific points raised in the comments are presented below, organized by general comments and by specific comments on particular issues. In addition to receiving numerous comments from the mailing industry, the Postal Service has had extensive ongoing exchanges of viewpoints with representatives of the mailing industry. This cooperative effort has led to the development of revised standards that the Postal Service believes strikes a better balance between the interests of the mailers and the Postal Service.

1. General Comments

Ten comments were received concerning the separation of specifications for pieces that will run on FSM 881 versus the FSM 1000. One commenter stated that having two sets of specifications is confusing to the mailers and USPS acceptance staff. One commenter said mailers have no control over the type of equipment their mailpieces are run on, so they should not be expected to meet different specifications to qualify for the same postage rate. Postal management did

consider these comments. There are two types of FSM's to handle two different types of flats. However, USPS operations is concerned about flats that are currently processed on the FSM 881 migrating to the FSM 1000 because of changes in preparation standards. In addition, current automation polywrap must be used on the FSM 881 pieces when claiming the barcode discount for 881 shaped pieces. Without this standard we would see a mass migration by mailers to the less expensive polywrap and would result in a substantial diversion of mail to the FSM 1000. There are capacity issues (340 FSM 1000 compared to 812 FSM 881) as well as productivity, service, and cost concerns. USPS acceptance personnel will be receiving instructions from the office of Business Mail Acceptance regarding the acceptance and verification procedures for these two sets of specifications for flat-size mail qualifying for these discount rates.

2. Machinable Parcels Qualifying for the FSM 1000 Discount

One commenter indicated that they are presently mailing nonautomation-compatible parcels that he would qualify as automated compatible flats under the new specifications for automated flats. However, the requirement relating to package and mail preparation, as proposed, will make it cost-prohibitive for them to participate in this program. This commenter further asked whether he could mail to an SCF level and stack mail in large (mixed) cartons sectioned by SCF instead of bags, trays, or pallets. The Postal Service currently allows bundled Standard Mail (A) and Periodical Mail to be prepared as packages of flats placed on pallets. However, there are sortation requirements in DMM M820. Flat-size automation rate First-Class Mail, Periodicals, and Standard Mail (A) must be prepared under M820 and meet the eligibility standards for the rate claimed. Package, sack, and tray preparations are subject to M010, M020, and M030. Firm packages may not be included. Trays and sacks must bear the appropriate barcoded container labels under M032. In addition, each piece must also include a complete delivery address with correct ZIP Code or ZIP+4 code. Address and barcode quality is subject to A800 and CASS/MASS standards in A950. For Standard Mail (A) mailpieces mailed at rates for the FSM 1000 flats, this portion in non-automation rates is subject to the residual shape surcharge if these mailpieces do not meet the standards in C050 for a letter or a flat.

3. Polywrap

Ten commenters were concerned that polywrap requirements for the FSM 881 require more expensive polywrap than for mailpieces processed on the FSM 1000. Mailers feel this requirement is causing an unfair competitive situation and request all mailers be permitted to use the same type of polywrap, only complying to property number 2 (haze) in order to qualify for automation flats rates. One commenter indicated that, based upon the characteristics of the mailpiece, it should be left up to operations personnel at the USPS to determine which piece of equipment the flats should be processed on. Another commenter volunteered time and energy to assist the USPS in a limited time test to estimate the probable volume of mail that will migrate from the FSM 881 to the FSM 1000 because of the polywrap requirements and the overall net advantage to the Postal Service of receiving automation based mailings from a sector of the publishing industry currently not using automation.

The Postal Service has had extensive ongoing exchanges with USPS Engineering and mailers currently using and not using the polywrap required for FSM 881. This cooperative effort has led to the development of revised polywrap requirements for the FSM 1000. Initially, properties 1, 2, and 7 were proposed in workgroup meetings. However, the USPS's main concern regarding the FSM 1000 is the readability of the barcode. It was agreed that property 1 and 7 did not affect readability. In addition, the USPS must maintain separate standards for polywrap for operational efficiency. Therefore, pieces meeting the FSM 881 processing dimensions must also meet all 7 polywrap properties standards in C820.4.0 if polybagged when claiming the barcode discount. Without this standard, the USPS would see a mass migration by mailers to the less expensive polywrap and a substantial diversion of mail to the FSM 1000 causing capacity, service and cost problems.

4. Co-Mailing and Selective Binding

Twelve commenters proposed that the Postal Service allow co-mailers and selective binders to mix FSM 881 pieces and FSM 1000 pieces together in the same package and use the less expensive polywrap. One commenter stated the only possible alternative available to it would be to split all of their co-mailings into two mailstreams, one for carrier route pieces, and the others for all other levels of presort. They further explained that this would

cause less finely prepared mail for the Postal Service. Several commenters requested reconsideration permitting the mix of the FSM 881 and FSM 1000 pieces in co-mail and selective bind situations. They also stated that the co-mail and selective bind processes are aggressive workshare concepts that should not have penalties preventing mailer participation. Another commenter stated that mailers who already enter highly workshared and dropshipped mail that is otherwise fully automatable should not be discouraged from taking part in this automation program by an unnecessary requirement. One association indicated that the Postal Service needs to increase FSM 1000 capacity if a marketplace response to incentives for worksharing drives such a need. A "Blue Ribbon" Committee task force addressed these issues for the Postmaster General in relationship to USPS capital expenditures. The USPS Operations position is that the FSM 881 and FSM 1000 flat-size mailpieces cannot be merged in the same package. Allowing the combination of these pieces in the same package would result either in FSM 881 pieces diverting to the FSM 1000 or FSM 1000 pieces rejecting on the FSM 881, depending on the machine on which the package was processed. This requirement also leaves the door open in the future for possible relaxation of the existing requirement to segregate FSM 881 sized automation flats from FSM 881 nonautomation flats. The existing FSM 881 will be receiving an OCR modification over the next 12 months and the need for automation/nonautomation segregation on FSM 881 pieces will be reduced. Therefore, there is a long-term value in maintaining a split of FSM 881 and FSM 1000 pieces because the auto/nonauto split could possibly be eliminated for the FSM 881 pieces. The relaxation of the automation/nonautomation separation for FSM 881 pieces could be much more beneficial for the overall industry since a high percentage of the non-carrier route flats are machinable on the FSM 881. Conversations with some industry representatives have confirmed the relaxation of the auto/non-auto separation for FSM 881 pieces may be a greater need than the ability to combine FSM 881 and FSM 1000 pieces. Finally, the combining of FSM 881 and FSM 1000 pieces is not compatible with the Postal Service's long term objective for flats sorting.

5. Increase Thickness and Uniformity of Thickness

Four commenters indicated that the maximum thickness for an FSM 1000

piece should be increased to at least 1½ inches thick. One commenter stated that he is satisfied with the minimum and maximum standards however, he noted that it is virtually impossible to manufacture a six pound publication with a proposed maximum thickness of only 1¼ inches. Two commenters believed that if the ability of the FSM 1000 was to process thicker pieces depending upon the length of the piece, whereas longer pieces must be thinner to be successfully processed, then shorter pieces should be able to be thicker and still be processed successfully. Several proposals were submitted based on this "sliding scale" theory. In addition, several commenters would like clarification on how the uniformity requirement applies to the FSM 1000 when individual mailers have watched their machinable parcels run through the FSM 1000 with no problem. According to USPS Engineering, the maximum thickness of 1¼ inches for the FSM 1000 allows for some misalignment of the plastic chutes in relation to the diverter modules (transport belts). Items above the maximum thickness will jam against the edge of the chutes if the chutes are not precisely aligned. In addition, if a mailpiece is not uniform in thickness, the flats flip over when they go into the accelerator module of the induction station. This results in jams since the photocells will indicate a flat below the minimum length when the mailpieces on the corners don't lay flat. A uniformly thick flat is on the geometric center of the mailpiece and thus will not flip once accelerated to the speed of the sorter. The observations made were based on a short run of testing different size and thicknesses of mailpieces. The USPS agrees that the possibility does exist on increasing the thickness to 1½ inches thick, however, this will entail extensive testing and evaluation by the USPS engineering department. The Manager of Mail Preparation and Standards will request such testing to be formally performed.

6. Turning Ability and Flexibility

Four commenters requested that "flimsy pieces" that fail the deflection test and therefore do not qualify for the FSM 881 automated rates be allowed to qualify for the automation rates for the FSM 1000. One mailer commented that Standard Mail (A) flats volume has grown over the last 5 years while the average piece weight has been decreasing. This shows a trend toward more "flimsy" type mailpieces as direct marketers and catalogers strive to target their customers. The Postal Service would like to ensure that FSM 881

mailpieces are not diverted to the FSM 1000. There are currently 340 FSM 1000s compared to 812 FSM 881s and the migration of this mail to the FSM 1000 could have a direct effect on service and higher costs. Allowing the migration is not compatible with the Postal Service's long-term direction for sequencing flats in the carrier's line of travel.

7. Mailer Identification Statement for Polywrap

Seven commenters requested an extension of time from the previously proposed 6-month grace period to a one-year extension for the requirement of separate markings distinguishing FSM 881-approved polywrap from FSM 1000-approved polywrap. Mailers have inventories of preprinted automatable polywrap already in stock. Two commenters suggested that special markings for the FSM 1000 approved polywrap be used and the current markings for approved polywrap on the FSM 881 polywrap continue as a default. Many mailers have a supply of preprinted polywrap and a delay will allow them to use up existing stock. The Postal Service will require the mailpiece identification markings identifying FSM 881 and FSM 1000 polywrap for various reasons. Business mail entry employees must be able to determine if the correct polywrap is being used to qualify mailpieces for the barcoded rates. The Postal Service does understand the comments received regarding polywrap in stock and supply, therefore, a one-year transition period through October 4, 1999.

8. Overhang (Selvage)

Four commenters indicated that the overhang requirement for the FSM 1000 should be increased due to relative trim size in a selective polywrap co-mailing process. Variances during a co-mailing run have a proportional effect on both the "head to foot" and "side to side" overhang. The following overhang extensions were requested: head to foot increase from 1½ inches to 2¼ inches and side to side increase from ¼-inch on each side up to 1.375 inches. The Postal Service has amended the proposed standard for overhang indicated in Exhibit 4.1b, of C820.4.0 to include a separate section for the FSM 1000 overhang allowance. The Postal Service consulted with USPS engineering and the requirement for the FSM 1000 overhang now is a maximum of ¾-inch from any edge. The requirements for the FSM 881 remain unchanged.

9. Wrap Direction and Protective Coverings

One commenter proposed that the Postal Service "suggest" recommended wrap configuration instead of having a requirement and, in addition, allow the MDAs review to be the final deciding factor in determining if mailpieces will produce handling and processing problems. The Postal Service has worked with USPS Engineering on this issue and has taken this request into consideration. After several discussions with engineering the Postal Service agrees that the wrap direction requirement only need apply to the FSM 881 mailpieces. One commenter strongly recommended that the Postal Service eliminate the prohibition of protective covers for automated flats to be processed on the FSM 1000. This issue is not solely related to the FSM 1000 requirements and the new specifications. However, the Postal Service will continue to evaluate and review mailpieces with the various types of protective coverings and possibly relax this requirement.

10. Barcode Placement

All 21 commenters supported the requirement to place the barcode a minimum of ⅛-inch from any edge; however, three commenters requested that the Postal Service remove the language that currently states, "preferably 2 inches from the bound or folded edge." These commenters are concerned that Entry employees will misinterpret this requirement and possibly reject their mail. Business Mail Acceptance at USPS Headquarters is disseminating to all managers, business mail entry to ensure situations like this do not occur.

Therefore, the Postal Service is retaining this preference in the final rule.

11. Double-Folds

Four commenters expressed their concerns about the proposed standards that newspapers and other unbound flats must have two folds, the second fold perpendicular to the original fold. One commenter explained that 25% to 30% his mailed copies contain supplements and inserts which, due to thickness, prevent secure quarter-folding. Currently, one commenter stated that they are working closely with USPS engineering employees on possible solutions to the "telescoping" problems with a new "embossing" procedure. Another commenter believes the telescoping of tabloids on the FSM 1000 is greatly exaggerated. The Postal Service has had numerous discussions

with USPS Engineering on this issue, and it has been determined that unbound flat-sized mail pieces without a second fold cause the most problems with telescoping such as the body of the mailpiece separating from the inner sheets during postal processing on the FSM 1000. Therefore, the requirement for this final rule is that any unbound flat-size mailpieces will be required to be double-folded by October 4, 2000. A transition of 2 years will be extended to publishers and printers who are unable to comply.

C. Summary of Domestic Mail Manual (DMM) Changes and Additions

List of Subjects in 39 CFR Part 111

Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (See 39 CFR Part III).

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001, 3011, 3201, 3219, 3403, 3406, 3621, 3626, 5001.

2. Amend the Domestic Mail Manual as set forth below:

Domestic Mail Manual (DMM)
C Characteristics and Content
C800 Automation-Compatible Mail
* * * * *

C820 Flats

[Amend 1.0 by changing the term "2.0" to "1.0" and "7.0" to "9.0" and adding additional standards for FSM 881 and FSM 1000 pieces to read as follows:]

1.0 BASIC STANDARDS

Flats claimed at automation rates must meet the standards in 1.0 through 9.0 and the general and specific standards for mailability and the class of mail and rate claimed. Pieces meeting the dimensions for FSM 881 processing under 2.0 (height, length, thickness, and weight) must also meet the turning ability and deflection requirements in 7.0 in order to qualify for the automation flats discount. If polywrap is used with FSM 881 pieces meeting the dimensions under 2.0, the polywrap must meet all of the physical properties in Exhibit C820.4.1a of section 4.0 in order to qualify for the automation flats discount. Pieces that do not meet the dimensions for height, length, thickness, and weight under 2.0 (FSM 881 pieces), but that do meet the dimensions in 3.0

are eligible for processing on the FSM 1000. Such FSM 1000 pieces need not meet the turning ability and deflection requirements in 7.0. If prepared with polywrap, the polywrap for FSM 1000 pieces must meet only physical property number 2 (haze) in Exhibit 4.1a.

[Amend the heading of 2.0 to read as follows.]

2.0 DIMENSIONS FOR FSM 881 PROCESSING

* * * * *

[Delete the second sentence of section 2.3 b(2).]

* * * * *

[Redesignate 3.0 through 7.0 as 5.0 through 9.0, respectively. Insert new 3.0 and 4.0 to read as follows.]

3.0 DIMENSIONS FOR FSM 1000 PROCESSING

3.1 Determining Length and Height

The length and height of an automation compatible flat-size mailpiece eligible for FSM processing is not determined by the orientation of the address. It is determined by the following:

- For a piece prepared as a single sheet or in an envelope, full-length wrapper, or full-length sleeve, the length is the longest dimension. The height is the dimension perpendicular to the length.
- For a piece that has a bound or folded edge (e.g., a newspaper, tabloid,

and catalog), the length is the dimension parallel to the bound or folded edge. The height is the dimension perpendicular to the length. If the piece is folded more than once or bound and then folded, the length of the mailpiece is based on the final fold.

3.2 Address Placement and Folded Pieces

- A flat-size mailpiece with a final fold must be designed so that the address is in view when the final folded edge is to the right and any intermediate bound or folded edge is at the bottom.

- Unbound flat-size mailpiece will be required to be double-folded on October 4, 2000.

3.3 Shape and Size

Pieces must meet the following requirements:

- Height: no more than 12 inches or less than 4 inches.
- Length: no more than 15¾ inches or less than 4 inches.
- Minimum thickness:
 - For pieces at least 5 inches long, 0.009 inch.
 - For pieces at least 4 inches long, but less than 5 inches long, 0.25 inch thick.
 - Maximum thickness:
 - For pieces 13 inches long or less, 1.25 inches.
 - For pieces longer than 13 inches up to and including 15¾ inches, 7/8 inch.

3.4 Maximum Weight

Maximum weight limits are as follows:

- For First-Class Mail, 11 ounces (13 ounces as of January 10, 1999).
- For Periodicals, 6 pounds.
- For Standard Mail (A), less than 16 ounces.

4.0 COVERINGS

4.1 Polywrap Films

The Postal Service will allow plastic manufacturers to use the results of their American Standard Testing Methods (ASTM). Product tests must be used to certify that the polywrap films meet or exceed the minimum requirements for the physical properties outlined in Exhibit 4.1a and 4.1b.

Exhibit 4.1a

FSM 881 Polywrapped Flats Specifications

Automation flat pieces that meet the height, length, thickness, and weight dimensions for the FSM 881 in 2.0 must meet all seven properties. Automation flat pieces that do not meet the height, length, thickness, or weight dimensions in 2.0, but meet the dimensions for the FSM 1000 in 3.0, may be prepared with polywrap that only meets property number 2 (haze).

Property	Requirement	Test Method	Comment
1. Kinetic Coefficient of Friction, MD	<0.28	ASTM D1894	Stainless steel finish must be in accordance with ASTM A 480/A 480M.
a. Film on Stainless Steel with No. 8 (Mirror) Finish			
b. Film on Film	0.20 to 0.40	ASTM D1894	
2. Haze	<70	ASTM D1003	Address labels are an alternative to meeting this requirement.
3. Secant Modulus, 1% elongation	>40,000	ASTM D882	
a. TD, psi			
b. MD, psi	>50,000	ASTM D882	
4. Tensile Strength:			
a. TD, psi	>2,000	ASTM D882	
b. MD, psi	>3,000	ASTM D882	
5. Density, g/cc	0.900 to 0.950 ..	ASTM D1505	
6. Nominal Gauge, in	>0.001	ASTM D374	
7. Static Charge, kV	<2.0	ASTM D4470	Antistatic additives can regulate this charge.

Exhibit 4.1b

Wrap Instruction

- The polywrapped flat shall be machinable according to USPS-STD-28A and as outlined in section C820. Shrinkwrapped mailpieces shall be approved if they conform to the machinable flat requirements according to USPS-STD-28A and as outlined in DMM 54 section C820.

- Wrap direction shall be specified as around the shorter axis of the mailpiece

so that the seam is along the addressed side of the mailpiece, oriented from top to bottom. This seam must not cover any part of the address and barcode read areas (FSM 881 mailpieces only).

3. Overhang around edges:

- For FSM 881 mailpieces, overhang (selvage) of not more than 1.5 inches of polywrap shall be allowed at the top of the mailpiece when the contents are at the bottom of the package. Overhang on each side shall not be more than .25 inch, however. The piece shall not be

wrapped so tightly as to cause the product to bend.

- For FSM 1000 mailpieces, overhang (selvage) cannot exceed ¾ inch from any edge.

4.2 Polywrap Certification Process

The polywrap certification program requires plastic manufacturers to provide to the producer of the polywrapped flats an official ASTM certification of conformance verifying that their polywrap product meets the

physical properties described in Exhibit 4.1a. Prior to the initial mailing with that polywrap product, the producer of the polywrapped pieces must submit for evaluation barcoded sample pieces that meet both applicable DMM mailing standards for automated flats and the minimum standards for polywrapped flats including the configuration requirements described in Exhibit 4.1b. Mailpiece design analysts (MDAs) may authorize the producer of the polywrapped flats that it may claim the automation rates for their initial mailing of flat-size barcoded pieces if both of the following conditions are met: (A) The pieces are prepared in a polywrap product for which the plastics manufacturer provides an official ASTM certification of conformance; (B) The prepared mailpiece meets all other mail preparation standards for polywrapped flats such as overhang, seam, and barcode readability. The MDA who authorizes the producer of the polywrapped flats that it may claim the automation rates will notify the applicable business mail entry unit of the authorization.

4.3 Submission of Samples for Evaluation

A producer of polywrapped flats who wishes to obtain authorization to claim automation rates for that polywrap product must submit samples to the Manager of Business Mail Entry for review by an MDA. Each sample submitted must consist of at least 30 polywrapped and barcoded sample mailpieces with a certification of conformance verifying that the polywrap material meets the physical property specifications in Exhibit 4.1a and Exhibit 4.1b, for either the FSM 881 mailpieces or the FSM 1000 mailpieces. If the address is placed on the outside of the polywrapped FSM 1000 flat, the submission of test pieces is not required.

4.4 Mailpiece Identification

Producers of polywrapped flats authorized to claim the automation rates must endorse the flats to show that they are automation-compatible polywrapped flat-size pieces. The mailer may meet this requirement by adding "USPS (product name of polywrap) FSM 881 Approved Automatable Polywrap" or "USPS (product name of polywrap) FSM 1000 Approved Automatable Polywrap," as applicable, on the address side of the piece, preferably below the postage area or in another visible location on the outside of the mailpiece. The polywrap marking must not interfere with the delivery address or the recognition of

the barcode. The polywrap marking may also be printed directly on the polywrap material. Producers of polywrapped flats not currently using the appropriate mailpiece identification marking will have until October 4, 1999, to comply with this standard. For a list of USPS-approved polywrap manufacturers, refer to the USPS website.

4.5 Suspension of Approval

Any mailing found to be improperly prepared will not be accepted at the automation rates for flats. The repeated submission of nonmachinable mailings is cause for exclusion from the polywrap flat automation rates for polywrap pieces.

[Delete renumbered 5.1. Renumber 5.2 and 5.3 as 5.1 and 5.2.]

* * * * *

6.0 TABS, WAFER SEALS, TAPE, AND GLUE

[Amend the first sentence in renumbered 6.0 to clarify that tabs, seals, tape, and glue are not required, to read as follows:]

Although not required, mailpieces may be prepared with tabs, wafer seals, cellophane tape, or permanent glue (continuous or spot) if these sealing devices do not interfere with the recognition of the barcode, rate marking, postage information, and delivery and return addresses.

* * * * *

7.0 TURNING ABILITY AND DEFLECTION

7.1 Turning Ability

[Amend the first sentence of renumbered 7.1 by adding "881" to read as follows:]

A flat-size mailpiece meeting the FSM 881 dimensions in 2.0 must fit between two concentric arcs drawn on a horizontal flat surface, one with a radius of 15.72 inches and the other with a radius of 16.72 inches in one of these ways:

* * * * *

[Renumber Exhibits 5.1a and 5.1b as Exhibits 7.1a and 7.1b.]

7.2 Deflection

[Renumber Exhibit 5.2 as Exhibit 7.2; amend renumbered 7.2 by adding "881" to read as follows:]

A flat-size mailpiece meeting the FSM 881 dimensions in 2.0 must be sufficiently rigid so that, when placed flat on a surface to extend unsupported 5 inches off that surface, no part of the edge of the piece that is opposite the bound, folded, or final folded edge (as applicable) deflects more than 1 $\frac{3}{4}$ inches (if the piece is less than $\frac{1}{8}$ inch

thick) or more than 2 $\frac{3}{8}$ inches (if the piece is from $\frac{1}{8}$ to $\frac{3}{4}$ inch thick). See Exhibit 7.2.

* * * * *

C840 Barcoding Standards

* * * * *

3.0 BARCODE LOCATION—FLAT-SIZE PIECE

[Revise 3.0 to read as follows:]

On any flat-size piece claimed at an automation rate, the barcode may be anywhere on the address side that is at least 1/8 inch from any edge of the piece. For FSM 1000 pieces, it is preferred that the barcode be placed at least 2 inches from the dimension that is the length for that type of automation piece (the longest edge, or for pieces with a folded or bound edge, the folded or bound edge). That portion of the surface of the piece on which the barcode is printed must meet the reflectance standards in 5.0. The address side may bear only one POSTNET-format barcode (i.e., the correct barcode for the delivery address on the mailpiece). Other mailer-applied non-POSTNET barcodes may appear on the address side if their format is not intelligible or not confusing to automated postal equipment. Address block barcodes are subject to the standards in 2.5a through 2.5e.

* * * * *

M Mail Preparation and Sortation

M820 Flat-Size Mail

1.0 BASIC STANDARDS

* * * * *

1.5 Package Preparation

All pieces must be prepared in packages. Firm packages must not be included in mailings prepared under M820. Pieces meeting the size dimensions for the FSM 881 under C820.2.0 must be prepared in separate packages from pieces that do not meet the FSM 881 dimensions (but that meet the dimensions for FSM 1000 processing). Each FSM 881 package and each FSM 1000 package must separately meet the package size minimum number of pieces in M820.2.1, 3.1, or 4.1 as applicable for the class of mail. When the total number of FSM 881 or FSM 1000 pieces for a specific presort destination (e.g., the 5-digit ZIP Code 12345) meets or exceeds the applicable minimum package size, the pieces for that presort destination must be prepared into a package or packages labeled to that presort destination in accordance with the standards for the rate claimed. The physical size of each package for that specific presort

destination may contain the exact package minimum, more pieces than the package minimum, or fewer pieces than the package minimum depending on the size of the pieces in the mailing or the total quantity of the pieces to that destination. Rate eligibility is not affected when a physical package for a presort destination contains fewer pieces than the minimum package size for the above reasons, provided the total number of FSM 881 pieces physically packaged for that presort destination, or provided the total number of FSM 1000 pieces physically packaged for that presort destination, meets or exceeds the rate eligibility package minimum under E140, E240, or E640.

[Renumber 1.6 and 1.7 as 1.7 and 1.8, respectively, and insert new 1.6 to read as follows:]

1.6 Sack Preparation

Mailers may combine FSM 881 packages and FSM 1000 packages in the same tray (First-Class Mail) or in the same sack (Standard Mail (A) and Periodicals).

* * * * *

[Amend the heading of renumbered 1.8 to read "Exception—Periodicals Packages."]

[Insert new 1.9 to read as follows:]

1.9 Exception—Periodicals Automation and Nonautomation

For Periodicals, packages of automation mail (both FSM 881 and FSM 1000 packages) prepared under 3.1 and packages of nonautomation mail prepared under M200.2.4c through f may be sacked together under 3.2d through 3.2e. Automation and

nonautomation packages may not be combined in 5-digit sacks. Under this exception, documentation required under P012 must identify the mail claimed at each rate by package and sack sortation level. Under this exception, nonautomation mail continues to qualify for rates under E230 and automation mail continues to qualify for rates under E240 (i.e., rates for pieces in automation flats packages are based on the package level and rates for pieces in nonautomation flats packages are based on the package and sack level).

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98-27674 Filed 10-9-98; 3:45 pm]

BILLING CODE 7710-12-P



Thursday
October 15, 1998

Part IV

Department of the Treasury

Office of the Comptroller of the Currency
Office of Thrift Supervision

Federal Reserve System

Federal Deposit Insurance Corporation

12 CFR Part 30, et al.

Interagency Guidelines Establishing Year
2000 Standards for Safety and
Soundness; Safety and Soundness
Standards; Interim Rules

DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency****12 CFR Part 30**

[Docket No. 98-14]

RIN 1557-AB67

FEDERAL RESERVE SYSTEM**12 CFR Part 208**

[Docket No. R-1017]

FEDERAL DEPOSIT INSURANCE CORPORATION**12 CFR Part 364**

RIN 3064-AC18

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****12 CFR Part 570**

[Docket No. 98-97]

RIN 1550-AB27

Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness

AGENCIES: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; and Office of Thrift Supervision, Treasury.

ACTION: Joint interim guidelines with request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the Agencies) are issuing interim guidelines (the Guidelines) establishing Year 2000 safety and soundness standards for insured depository institutions pursuant to section 39 of the Federal Deposit Insurance Act (FDI Act). Under the auspices of the Federal Financial Institutions Examination Council (FFIEC), the Agencies have previously issued eight guidance papers on important aspects of Year 2000 readiness. The Guidelines complement these eight guidance papers by establishing minimum safety and soundness standards for achieving Year 2000 readiness.

DATES: The Guidelines are effective October 15, 1998. Comments must be received by December 14, 1998.

ADDRESSES: Comments should be directed to:

OCC: Office of the Comptroller of the Currency, Communications Division, 250 E Street, SW, Washington, DC 20219, Attention: Docket No. 98-14. Comments will be available for public inspection and photocopying at the same location. In addition, comments may be sent by facsimile transmission to FAX number (202) 874-5274 or by Internet mail to regs.comments@occ.treas.gov.

Board: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, Docket No. R-1017, 20th Street and Constitution Avenue, NW, Washington, DC 20551. Comments addressed to Ms. Johnson may also be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW, Washington, DC. Comments may be inspected in room MP-500 between 9:00 a.m. and 5:00 p.m., except as provided in § 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14.

FDIC: Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. (Fax number: (202) 898-3838; Internet address: comments@fdic.gov). Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW, Washington, DC, between 9:00 a.m. and 4:30 p.m. on business days.

OTS: Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, Attention: Docket No. 98-97. These submissions may be hand delivered to 1700 G Street, NW, Washington, DC, from 9:00 a.m. to 5:00 p.m. on business days; sent by facsimile transmission to FAX number (202) 906-7755, or may be sent by e-mail to: public.info@ots.treas.gov. Those commenting by e-mail should include their name and telephone number. Comments will be available for inspection at 1700 G Street, NW, Washington, DC, from 9:00 a.m. until 4:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: OCC: Mark L. O'Dell, Director, Year

2000 Bank Supervision Policy (202) 874-2340; Brian McCormally, Assistant Director, Enforcement and Compliance (202) 874-4800; Ursula Pfeil, Attorney, Legislative and Regulatory Activities (202) 874-5090; or Stuart E. Feldstein, Assistant Director, Legislative and Regulatory Activities (202) 874-5090.

Board: Angela Desmond, Special Counsel, Division of Banking Supervision and Regulation (202) 452-3497; or Nancy Oakes, Senior Attorney, Division of Banking Supervision and Regulation (202) 452-2743. For the hearing impaired only, Telecommunication Device for Deaf (TDD), Diane Jenkins (202) 452-3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington DC 20551.

FDIC: Frank Hartigan, Year 2000 Project Manager, Division of Supervision (202) 898-6867; Sandy Comenetz, Year 2000 Project Manager, Legal Division (202) 898-3582; Richard Bogue, Counsel, Legal Division (202) 898-3726; or Nancy Chase Miller, Counsel, Legal Division (202) 898-6533.

OTS: Dorothy Van Cleave, National Year 2000 Coordinator (202) 906-7380; or Robert D. DeCuir, Senior Enforcement Attorney, Office of Enforcement, Office of Chief Counsel (202) 906-7152.

SUPPLEMENTARY INFORMATION:**Background**

The potential inability of computers to recognize correctly certain dates in 1999 and on and after January 1, 2000, presents significant and unprecedented enterprise-wide challenges for insured depository institutions. Timely management response is critical in order for insured depository institutions to identify problems and implement effective remediation programs in the relatively short time remaining until those dates occur. Under the auspices of the FFIEC, the Agencies have issued eight guidance papers¹ on important aspects of Year 2000 readiness. The Agencies are issuing the Guidelines, which are distilled from the FFIEC guidance, to establish minimum safety and soundness standards for achieving

¹ See Guidance Concerning Contingency Planning in Connection with Year 2000 Readiness (May 13, 1998); Guidance on Year 2000 Customer Awareness Programs (May 13, 1998); Guidance Concerning Testing for Year 2000 Readiness (April 10, 1998); Guidance Concerning the Year 2000 Impact on Customers (March 17, 1998); Guidance Concerning Institution Due Diligence in Connection with Service Provider and Software Vendor Year 2000 Readiness (March 17, 1998); Safety and Soundness Guidelines Concerning the Year 2000 Business Risk (December 17, 1997); Year 2000 Project Management Awareness (May 5, 1997); and The Effect of Year 2000 on Computer Systems (June 1996) [collectively, the FFIEC guidance].

Year 2000 readiness. The Guidelines do not replace or supplant the FFIEC guidance, which will continue to apply to all entities regulated or examined by the Agencies. Insured depository institutions also should refer to the FFIEC guidance.

The Agencies are issuing the Guidelines pursuant to section 39 of the FDI Act.² Section 39 requires the Agencies to establish operational and managerial standards for insured depository institutions relating to, among other things, internal controls, information systems, and internal audit systems. Section 39 also authorizes the Agencies to prescribe operational and managerial standards as they determine to be appropriate, and to require institutions that fail to meet such standards to submit corrective action plans.

Standards issued under section 39 may take the form of regulations or guidelines. If an agency determines that an insured depository institution fails to meet any standard established by regulation, then, by the terms of the statute, the agency must require the institution to submit an acceptable plan to achieve compliance with the standard. If an agency determines that an insured depository institution fails to meet any standard established by guideline, the agency may require the institution to submit an acceptable compliance plan.

In 1995, the Agencies promulgated Interagency Guidelines Establishing Standards for Safety and Soundness. 60 FR 35674 (July 10, 1995).³ Among other things, the 1995 guidelines provided generally that an insured depository institution should have internal controls and information systems that are appropriate to the size of the institution and the nature, scope, and risk of its activities.

As the Agencies noted in adopting the 1995 safety and soundness guidelines, their purpose in issuing standards as guidelines rather than regulations is to retain the flexibility to determine whether to require an insured depository institution to submit an acceptable compliance plan or to pursue another course of supervisory action, depending on the circumstances and

severity of an institution's noncompliance with one or more of the standards and the significance of the particular standard at issue. See 60 FR at 35675.

The Guidelines adopted today establish standards for management and boards of directors in developing and managing Year 2000 project plans, validating remediation efforts, and planning for contingencies. In appropriate circumstances, an agency will require an insured depository institution that fails to comply with the Guidelines to prepare and submit an acceptable compliance plan. The Agencies will use the rules already in place under the 1995 safety and soundness guidelines to require submission of compliance plans.

Under those rules, an insured depository institution must file a compliance plan within 30 days of a request to do so from an appropriate Federal banking agency, unless a different date is prescribed by the agency. Within 30 days of the plan's receipt, the agency must provide written notice to the insured depository institution of whether the plan has been approved or if additional information is required. An insured depository institution that fails to submit an acceptable compliance plan within the time allowed or fails in any material respect to implement an accepted compliance plan will be subject to an agency order directing the institution to correct the deficiency. The agency order is directly enforceable in Federal district court; there is no requirement for a prior administrative adjudication. See 12 U.S.C. 1818(i)(1). A violation of such an order can serve as the basis for assessing civil money penalties. See 12 U.S.C. 1818(i)(2). Section 39 also describes certain supervisory actions that an agency may take, and in certain cases must take, until the deficiency is corrected.

Description of the Guidelines

The Guidelines describe certain essential steps that insured depository institutions must take at the awareness, assessment, renovation, validation (testing), and implementation phases of their efforts to achieve Year 2000 readiness.⁴ The standards contained in the Guidelines are based on—and are

intended to be consistent with—key principles contained in the FFIEC guidance.

The Guidelines define certain key terms to help clarify the types of actions insured depository institutions are expected to undertake. For example, the term "mission-critical system" is defined as "an application or system that is vital to the successful continuance of a core business activity." An application that interfaces with a designated mission-critical system and software products also may be deemed a mission-critical system. The Guidelines also set forth definitions for "external system," "internal system," "external third party supplier," "other material third party," "renovation," "business resumption contingency plan," "remediation contingency plan," and "Year 2000 ready or readiness." The Agencies invite comment on whether these terms are defined appropriately and whether the Guidelines should include additional definitions.

The Guidelines specify that an insured depository institution's initial review of mission-critical systems for Year 2000 readiness should provide the basis for establishing priorities and deadlines and for identifying and allocating available resources. The development and implementation of a written due diligence process to monitor and evaluate Year 2000 efforts by third party service providers and software vendors is a critical component of an institution's initial assessment. The Guidelines also require each insured depository institution to develop and adopt a written project plan that addresses each phase of the planning process. However, an insured depository institution that has already developed and adopted an adequate project plan, or other plans and procedures for achieving Year 2000 readiness, need not prepare a new, separate project plan, or other plans and procedures, just to satisfy the Guidelines. Plans and procedures already adopted will suffice if they have been reviewed and deemed acceptable by the appropriate Agency.

The Guidelines distinguish between renovation of systems controlled by the insured depository institution (internal mission-critical systems) and those controlled by a third party (external mission-critical systems). Renovation of the internal mission-critical systems must be done in sufficient time for testing to be substantially complete by December 31, 1998. Insured depository institutions relying on systems controlled and renovated by external third party suppliers must determine

² Section 39 was added to the FDI Act by section 132 of the Federal Deposit Insurance Corporation Improvement Act, Pub. L. 102-242, 105 Stat. 2236, 2267-70 (December 19, 1991), and was subsequently amended by section 318 of the Riegle Community Development and Regulatory Improvement Act (CDRIA), Pub. L. 103-325, 108 Stat. 2160, 2223-24 (September 23, 1994).

³ For a brief history of the Agencies' regulations and guidelines implementing section 39, see 61 FR 43948 (Aug. 27, 1996) (adopting final asset quality and earnings standards).

⁴ The standards in the Guidelines are described in mandatory terms in order to clarify the specific actions insured depository institutions are expected to take to achieve Year 2000 readiness. Nevertheless, as explained above, an Agency will decide whether to require corrective action under section 39 for an institution's noncompliance with these standards based on the circumstances of the particular case.

the ability of their service providers and software vendors to address Year 2000 readiness for external mission-critical systems that are not Year 2000 ready and to establish programs that allow testing and remediation to be substantially completed by March 31, 1999. Insured depository institutions must maintain written documentation of all their communications with external third party suppliers regarding their ability to renovate timely and effectively external mission-critical systems that are not Year 2000 ready.

The Agencies consider testing to be a critical process in achieving Year 2000 readiness. Failure of an insured depository institution to perform adequate testing of mission-critical systems poses a risk to the safe and sound operation of the institution. Failure to conduct thorough testing may mask serious remediation problems. Failure to properly identify or correct those problems could threaten the safety and soundness of the institution. The Guidelines reflect the Agencies' expectations on the timing and scope of required testing.

Another essential component of achieving Year 2000 readiness addressed in the Guidelines is the development and implementation of contingency plans for Year 2000 technology failures. The Guidelines require an insured depository institution to design contingency plans appropriate for the institution's technological systems and operating structure that describe how the institution will mitigate the risks associated with the failure of systems (the business resumption contingency plan) and, as applicable, the failure to complete renovation, testing, or implementation of its mission-critical systems (the remediation contingency plan).

The Guidelines require insured depository institutions to implement a due diligence process that identifies customers posing material Year 2000 risks, evaluates their Year 2000 preparedness, assesses their Year 2000 risk, and implements appropriate risk controls. Finally, the Guidelines require that the board of directors and management must be involved in all stages of the institution's efforts to achieve Year 2000 readiness. Management must provide to the board of directors written status reports at least quarterly or as otherwise required to keep the board of directors fully informed of the institution's Year 2000 efforts.

The Guidelines enable the Agencies to use the streamlined compliance and enforcement mechanisms provided by

section 39 to address, in appropriate circumstances, Year 2000 readiness-related safety and soundness concerns in insured depository institutions. Section 39 remedies for insured depository institutions allow the Agencies to move promptly in situations where immediate supervisory action is essential for safety and soundness reasons.

Nonetheless, issuance of a safety and soundness order pursuant to section 39 may not be the most appropriate remedy in every case where an insured depository institution fails to comply with the Guidelines. It is for this reason the Agencies have chosen to proceed by guideline, within the meaning of section 39, rather than by regulation. As is the case with respect to the Agencies' 1995 safety and soundness guidelines, the Agencies also wish to preserve their discretion to require supervisory actions different from those prescribed by section 39 with respect to the Guidelines if a different action is warranted by the facts and circumstances of a particular situation.

The Guidelines do not limit the authority of an Agency to address unsafe or unsound practices or conditions, violations of law, or other practices, or to adopt appropriate remedies to achieve compliance with the Guidelines, including requiring actions by dates that are different from those set forth in the Guidelines. Actions under section 39 and the Guidelines may be taken independently of, in conjunction with, or in addition to, other appropriate enforcement actions.

The Agencies note that by law the Guidelines apply only to insured depository institutions, not to all financial institutions supervised by the Agencies, such as bank holding companies and U.S. offices of foreign banking organizations. The Agencies will continue to examine and inspect all financial institutions that they supervise for compliance with the FFIEC guidance and may use their authority under section 8 of the FDI Act if these institutions fail to comply with the FFIEC guidance.

Request for Comment

The Agencies invite comment on all aspects of the Guidelines.

Effective Date

The Agencies find good cause for issuing the Guidelines effective immediately, without prior notice and comment. *Cf.* 5 U.S.C. 553(b)(B) (Administrative Procedure Act (APA) provision permitting an agency to issue a rule without prior notice and

comment when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest); 5 U.S.C. 553(d) (good cause exception to APA requirement for a 30 day delayed effective date for final rule); 12 U.S.C. 4802(b)(1) (good cause exception to the CDRIA requirement that the Federal banking agencies make rules effective on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form). Making the Guidelines effective immediately is essential for ensuring that the Agencies can properly and timely address the Year 2000 computer problem and that insured depository institutions can achieve Year 2000 readiness in the relatively short time remaining before Year 2000 problems may begin to occur. The Agencies note that Congress has recently underscored the importance and urgency of ensuring Year 2000 readiness in the financial services sector by passing the Examination Parity and Year 2000 Readiness for Financial Institutions Act, Pub. L. 105-164, sec. 2, 112 Stat. 32, 32 (1998). Congress expressly found that the Year 2000 computer problem poses a serious challenge to the American economy, including the Nation's banking and financial services industries, and that Federal financial regulatory agencies must have sufficient examination authority to ensure that the safety and soundness of the Nation's financial institutions will not be at risk. Under these circumstances, the Agencies conclude that prior notice and comment procedure is impracticable and contrary to the public interest.

Regulatory Flexibility Act Analysis

An initial regulatory flexibility analysis under the Regulatory Flexibility Act (RFA) is required when an agency is required to publish a general notice of proposed rulemaking. 5 U.S.C. 603. As noted above, the Agencies have concluded, for good cause, that these Guidelines should take immediate effect and, therefore, that a notice of proposed rulemaking is not required. Accordingly, the Agencies have concluded that the RFA does not require an initial regulatory flexibility analysis of these Interim Guidelines.

Nonetheless, the Agencies have considered the likely impact of the Guidelines on small entities and believe that the Guidelines do not have a significant impact on a substantial number of small entities. The potential inability of computers to correctly recognize certain dates in 1999 and on and after January 1, 2000, compels all

institutions, including small institutions, to formulate appropriate and timely management responses. The Guidelines provide a procedural framework for formulating that response and reiterate the Agencies' expectations, distilled from existing FFIEC guidance, regarding appropriate business practices for achieving Year 2000 readiness. For example, as indicated earlier in this preamble, plans and procedures that institutions have already developed to achieve Year 2000 readiness can satisfy the Guidelines if they have been reviewed and deemed acceptable by the appropriate Agency.

The Agencies invite interested persons to submit comments on the impact of the Guidelines on small entities for consideration in the development of final Guidelines.

Paperwork Reduction Act

The Agencies invite comment on:

(1) Whether the collections of information contained in the Guidelines are necessary for the proper performance of each Agency's functions, including whether the information has practical utility;

(2) The accuracy of each Agency's estimate of the burden of the information collections;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected;

(4) Ways to minimize the burden of the information collections on respondents, including the use of automated collection techniques or other forms of information technology; and

(5) Estimates of capital or start-up costs and costs of operation, minutes, and purchase of services to provide information.

Respondents and Recordkeepers are not required to respond to this collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

OCC: The collection of information requirements contained in the Guidelines have been submitted to and approved by the OMB under its emergency procedures and in accordance with the Paperwork Reduction Act of 1995. 44 U.S.C. 3507. Since OMB clearance is for a 6-month period, OCC will use any comments received to develop its renewed request. Comments on the collections of information should be sent to the Legislative and Regulatory Activities Division (1557-0212), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219, with a copy to the Office of Management and

Budget, Paperwork Reduction Project (1557-0212), Washington, DC 20503.

In essence, the Guidelines incorporate the important elements of the outstanding FFIEC guidance. In addition to the paperwork usually maintained by an insured depository institution in the regular course of business, the FFIEC guidance and the Guidelines impose some additional paperwork burden. This burden is found in appendix B to part 30. The OCC needs this information to assess an insured depository institution's compliance with the Guidelines set forth in appendix B. The likely respondents are national banks.

Estimated number of respondents: 650.

Estimated average annual burden hours per respondent: 60 hours.

Estimated total annual recordkeeping burden: 39,255 hours.

Board: In accordance with section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 35; 5 CFR 1320, appendix A.1), the Board reviewed the Guidelines under the authority delegated to the Board by the OMB. Comments on the collections of information should be sent to Mary M. McLaughlin, Chief, Financial Reports Section, Division of Research and Statistics, Mail Stop 97, Board of Governors of the Federal Reserve System, Washington, DC 20551, with a copy to the Office of Management and Budget, Paperwork Reduction Project (7100-0290), Washington, DC 20503.

In essence, the Guidelines incorporate the important elements of the outstanding FFIEC guidance. In addition to the paperwork usually maintained by an insured depository institution in the regular course of business, the FFIEC guidance and the Guidelines impose some additional paperwork burden. This burden is found in appendix D-2 to part 208. The Board needs this information to assess an insured depository institution's compliance with the Guidelines set forth in appendix D-2. The likely respondents are state member banks.

Estimated number of respondents: 994.

Estimated average annual burden hours per respondent: 20 hours.

Estimated total annual recordkeeping burden: 19,880.

FDIC: The collections of information contained in the Guidelines have been submitted to and approved by the OMB under its emergency procedures and in accordance with the Paperwork Reduction Act of 1995. 44 U.S.C. 3507. Since OMB clearance is for a 6-month period, the FDIC will use any comments received to develop its renewed request. Comments on the collections of

information should be sent to Steven F. Hanft, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429, with a copy to the Office of Management and Budget, Paperwork Reduction Project (3064-0128 Year 2000), Washington, DC 20503.

In essence, the Guidelines incorporate the important elements of the outstanding FFIEC guidance. In addition to the paperwork usually maintained by an insured depository institution in the regular course of business, the FFIEC guidance and the Guidelines impose some additional paperwork burden. This burden is found in appendix B to part 364. The FDIC needs this information to assess an insured depository institution's compliance with the Guidelines set forth in appendix B. The likely respondents are insured nonmember banks.

Estimated number of respondents: 341.

Estimated average annual burden hours per respondent: 68 hours.

Estimated total annual recordkeeping burden: 23,188 hours.

OTS: The collection of information requirements contained in the Guidelines have been submitted to and approved by the OMB under its emergency procedures and in accordance with the Paperwork Reduction Act of 1995. 44 U.S.C. 3507. Since OMB clearance is for a 6-month period, the OTS will use any comments received to develop its renewed request. Comments on the collection of information should be sent to the Regulations and Legislation Division (1550-0051), Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, with a copy to the Office of Management and Budget, Paperwork Reduction Project (1550-0051), Washington, DC 20503.

In essence, the Guidelines incorporate the important elements of the outstanding FFIEC guidance. In addition to the paperwork usually maintained by an insured depository institution in the regular course of business, the FFIEC guidance and the Guidelines impose some additional paperwork burden. This burden is found in appendix B to part 570. The OTS needs this information to assess an insured depository institution's compliance with the Guidelines set forth in appendix B. The likely respondents are savings associations.

Estimated number of respondents: 275.

Estimated average annual burden hours per respondent: 57 hours.

Estimated total annual recordkeeping burden: 15,675 hours.

Executive Order 12866

The OCC and OTS have determined that the Guidelines are not "a significant regulatory action" under Executive Order 12866.

OCC and OTS: Unfunded Mandates Reform Act Analysis

The Unfunded Mandates Reform Act of 1995 (UMA), Pub. L. 104-4, applies only when an agency is required to promulgate a general notice of proposed rulemaking or a final rule for which a general notice of proposed rulemaking was published. 2 U.S.C. 1532. As noted above, the Agencies have concluded, for good cause, that a notice of proposed rulemaking is not required. Accordingly, the Agencies have concluded that the UMA does not require an unfunded mandates analysis of the Guidelines.

Moreover, the Agencies believe that the Guidelines will not result in expenditures by State, local, and tribal governments, or by the private sector, of more than \$100 million in any one year. Accordingly, neither the OCC nor the OTS has prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Text of Uniform Interim Guidelines (All Agencies)

The text of the agencies' uniform interim guidelines appears below:

**Appendix _____ to
Part _____ Interagency Guidelines
Establishing Year 2000 Standards for
Safety and Soundness**

Table of Contents

- I. Introduction
 - A. Preservation of existing authority
 - B. Definitions
- II. Year 2000 Standards for Safety and Soundness
 - A. Review of mission-critical systems for Year 2000 readiness
 - B. Renovation of internal mission-critical systems
 - C. Renovation of external mission-critical systems
 - D. Testing of mission-critical systems
 - E. Business resumption contingency planning
 - F. Remediation contingency planning
 - G. Customer risk
 - H. Involvement of the board of directors and management

I. Introduction

The Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness (Guidelines) set forth safety and soundness standards pursuant to section 39 of the Federal Deposit Insurance Act (section 39) (12 U.S.C. 1831p-1) that are applicable to an insured depository institution's efforts to achieve Year 2000 readiness. The Guidelines, which also interpret the general standards in

the Interagency Guidelines Establishing Standards for Safety and Soundness adopted in 1995, apply to all insured depository institutions.

A. Preservation of Existing Authority

Neither section 39 nor the Guidelines in any way limits the authority of the Federal banking agencies to address unsafe or unsound practices, violations of law, unsafe or unsound conditions, or other practices. The Federal banking agencies, in their sole discretion, may take appropriate actions so that insured depository institutions will be able to successfully continue business operations after January 1, 2000, including on a case-by-case basis requiring actions by dates that are later than the key dates set forth in the Guidelines. Action under section 39 and the Guidelines may be taken independently of, in conjunction with, or in addition to any other action, including enforcement action, available to the Federal banking agencies.

B. Definitions

1. *In general.* For purposes of the Guidelines the following definitions apply:

a. *Business resumption contingency plan* means a plan that describes how mission-critical systems of the insured depository institution will continue to operate in the event there are system failures in processing, calculating, comparing, or sequencing date or time data from, into, or between the 20th and 21st centuries; or the years 1999 and 2000; or with regard to leap year calculations.

b. *External system* means a system the renovation of which is not controlled by the insured depository institution, including systems provided by service providers and any interfaces with external third party suppliers and other material third parties.

c. *External third party supplier* means a service provider or software vendor that supplies services or products to insured depository institutions.

d. *Internal system* means a system the renovation of which is controlled by the insured depository institution, including software, operating systems, mainframe computers, personal computers, readers/sorters, and proof machines. Internal system also may include a system controlled by the insured depository institution with embedded integrated circuits (e.g., heating and cooling systems, vaults, communications, security systems, and elevators).

e. *Mission-critical system* means an application or system that is vital to the successful continuance of a core business activity. An application or system may be mission-critical if it interfaces with a designated mission-critical system. Software products also may be mission-critical.

f. *Other material third party* means a third party, other than an external third party supplier, to whom an insured depository institution transmits data or from whom an insured depository institution receives data, including business partners (e.g., credit bureaus), other insured depository institutions, payment system providers, clearinghouses, customers, and utilities.

g. *Remediation contingency plan* means a plan that describes how the insured

depository institution will mitigate the risks associated with the failure to successfully complete renovation, testing, or implementation of its mission-critical systems.

h. *Renovation* means code enhancements, hardware and software upgrades, system replacements, and other associated changes that ensure that the insured depository institution's mission-critical systems and applications are Year 2000 ready.

i. *Year 2000 ready or readiness* with respect to a system or application means the system or application accurately processes, calculates, compares, or sequences date or time data from, into, or between the 20th and 21st centuries; or the years 1999 and 2000; or with regard to leap year calculations.

II. Year 2000 Standards for Safety and Soundness

A. *Review of Mission-Critical Systems For Year 2000 Readiness.* Each insured depository institution shall in writing:

1. Identify all internal and external mission-critical systems that are not Year 2000 ready;
2. Establish priorities for accomplishing work and allocating resources to renovating internal mission-critical systems;
3. Identify the resource requirements and individuals assigned to the Year 2000 project on internal mission-critical systems;
4. Establish reasonable deadlines for commencing and completing the renovation of such internal mission-critical systems;
5. Develop and adopt a project plan that addresses the insured depository institution's Year 2000 renovation, testing, contingency planning, and management oversight process; and
6. Develop a due diligence process to monitor and evaluate the efforts of external third party suppliers to achieve Year 2000 readiness.

B. *Renovation of Internal Mission-Critical Systems.* Each insured depository institution shall commence renovation of all internal mission-critical systems that are not Year 2000 ready in sufficient time that testing of the renovation can be substantially completed by December 31, 1998.

C. *Renovation of External Mission-Critical Systems.* Each insured depository institution shall:

1. Determine the ability of external third party suppliers to renovate external mission-critical systems that are not Year 2000 ready and to complete the renovation in sufficient time to substantially complete testing by March 31, 1999;
2. Maintain written documentation of all its communications with external third party suppliers regarding their ability to renovate timely and effectively external mission-critical systems that are not Year 2000 ready; and
3. Develop in writing an ongoing due diligence process to monitor and evaluate the efforts of external third party suppliers to achieve Year 2000 readiness, including:
 - a. monitoring the efforts of external third party suppliers to achieve Year 2000 readiness on at least a quarterly basis and documenting communications with these suppliers; and

b. reviewing the insured depository institution's contractual arrangements with external third party suppliers to determine the parties' rights and obligations to achieve Year 2000 readiness.

D. *Testing of Mission-Critical Systems.* Each insured depository institution shall:

1. Develop and implement an effective written testing plan for both internal and external systems. Such a plan shall include the testing environment, testing methodology, testing schedules, budget projections, participants to be involved in testing, and the critical dates to be tested to achieve Year 2000 readiness;

2. Verify the adequacy of the testing process and validate the results of the tests with the assistance of the project manager responsible for Year 2000 readiness, the owner of the system tested, and an objective independent party (such as an auditor, a consultant, or a qualified individual from within or outside of the insured depository institution who is independent of the process under review);

3. Substantially complete testing of internal mission-critical systems by December 31, 1998;

4. Commence testing of external mission-critical systems by January 1, 1999;

5. Substantially complete testing of external mission-critical systems by March 31, 1999;

6. Commence testing with other material third parties by March 31, 1999; and

7. Complete testing of all mission-critical systems by June 30, 1999.

E. *Business Resumption Contingency Planning.* Each insured depository institution shall develop and implement an effective written business resumption contingency plan that, at a minimum:

1. Defines scenarios for mission-critical systems failing to achieve Year 2000 readiness;

2. Evaluates options and selects a reasonable contingency strategy for those systems;

3. Provides for the periodic testing of the business resumption contingency plan; and

4. Provides for independent testing of the business resumption contingency plan by an objective independent party, such as an auditor, consultant, or qualified individual from another area of the insured depository institution who was not involved in the formulation of the business resumption contingency plan.

F. *Remediation Contingency Planning.* Each insured depository institution that has failed to successfully complete renovation, testing, and implementation of a mission-critical system, or is in the process of remediation and is not on schedule with the key dates in section II.D, shall develop and implement an effective written remediation contingency plan that, at a minimum:

1. Outlines the alternatives available if remediation efforts are not successful, including the availability of alternative external third party suppliers, and selects a reasonable contingency strategy; and

2. Establishes trigger dates for activating the remediation contingency plan, taking into account the time necessary to convert to alternative external third party suppliers or to complete any other selected strategy.

G. *Customer Risk.* Each insured depository institution shall develop and implement a written due diligence process that:

1. Identifies customers, including fund providers, fund takers, and capital market/asset management counterparties, that represent material risk exposure to the institution;

2. Evaluates their Year 2000 preparedness;

3. Assesses their existing and potential Year 2000 risk to the institution; and 4. Implements appropriate risk controls, including controls for underwriting risk, to manage and mitigate their Year 2000 risk to the institution.

H. *Involvement of the Board of Directors and Management.*

1. During all stages of the renovation, testing, and contingency planning process, the board of directors and management of each insured depository institution shall:

a. be actively involved in managing efforts to plan, allocate resources, and monitor progress towards attaining Year 2000 readiness;

b. oversee the efforts of the insured depository institution to achieve Year 2000 readiness and allocate sufficient resources to resolve problems relating to the institution's Year 2000 readiness; and

c. evaluate the Year 2000 risk associated with any strategic business initiatives contemplated by the insured depository institution, including mergers and acquisitions, major systems development, corporate alliances, and system interdependencies.

2. In addition, the board of directors, at a minimum, shall require from management, and management shall provide to the board of directors, written status reports, at least quarterly and as otherwise appropriate to keep the directorate fully informed, of the insured depository institution's efforts in achieving Year 2000 readiness. Such written status reports shall, at a minimum, include:

a. The overall progress of the insured depository institution's efforts in achieving Year 2000 readiness;

b. The insured depository institution's interim progress in renovating, validating, and contingency planning measured against the insured depository institution's Year 2000 project plan as adopted under section II.A.5. of appendix B;

c. The status of efforts by key external third party suppliers and other material third parties in achieving Year 2000 readiness;

d. The results of the testing process;

e. The status of contingency planning efforts; and

f. The status of the ongoing assessment of customer risk.

[End of text of Uniform Interim Guidelines]

List of Subjects

12 CFR Part 30

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Safety and soundness.

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business

information, Crime, Currency, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Safety and soundness, Securities.

12 CFR Part 364

Administrative practice and procedure, Bank deposit insurance, Banks, Banking, Reporting and recordkeeping requirements, Safety and soundness.

12 CFR Part 570

Accounting, Administrative practice and procedures, Bank deposit insurance, Holding companies, Reporting and recordkeeping requirements, Savings associations, Safety and soundness.

Adoption of Uniform Interagency Guidelines. The agency specific adoptions of the uniform interagency guidelines, which appear at the end of the common preamble, are set forth below.

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set forth in the common preamble, part 30 of chapter I of title 12 of the Code of Federal Regulations is amended as follows:

PART 30—SAFETY AND SOUNDNESS STANDARDS

1. The authority citation for part 30 continues to read as follows:

Authority: 12 U.S.C. 93a, 1831p-1.

2. A new appendix B is added to part 30 to read as set forth at the end of the common preamble:

Appendix B to Part 30—Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness

Dated: September 21, 1998.

Julie L. Williams,

Acting Comptroller of the Currency.

Federal Reserve System

12 CFR Part 208

Authority and Issuance

For the reasons set forth in the common preamble, part 208 of chapter II of title 12 of the Code of Federal Regulations is amended as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for 12 CFR Part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321-338a, 371d, 461, 481-486,

601, 611, 1814, 1816, 1818, 1823(j), 1828(o), 1831o, 1831p-1, 1831r-1, 1835a, 1882, 2901-2907, 3105, 3310, 3331-3351, and 3906-3909, 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o-4(c)(5), 78q, 78q-1, and 78w; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

Appendix D [Redesignated as Appendix D-1]

2. Appendix D to part 208 is redesignated as Appendix D-1.

3. A new appendix D-2 is added to part 208 to read as set forth at the end of the common preamble:

Appendix D-2 to Part 208—Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness

By Order of the Board of Governors of the Federal Reserve System, September 30, 1998.

Jennifer J. Johnson,
Secretary of the Board.

Federal Deposit Insurance Corporation

12 CFR Part 364

Authority and Issuance

For the reasons set forth in the common preamble, part 364 of chapter III of title 12 of the Code of Federal Regulations is amended as follows:

PART 364—STANDARDS FOR SAFETY AND SOUNDNESS

1. The authority citation for 12 CFR part 364 continues to read as follows:

Authority: 12 U.S.C. 1819 (Tenth), 1831p-1.

2. A new Appendix B is added to part 364 to read as set forth at the end of the common preamble:

Appendix B to Part 364—Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness

By Order of the Board of Directors,

Dated at Washington, DC, this 8th Day of October, 1998.

Federal Deposit Insurance Corporation.

James D. LaPierre,
Deputy Executive Secretary.

Office of Thrift Supervision

12 CFR Part 570

Authority and Issuance

For the reasons set forth in the common preamble, part 570 of chapter V of title 12 of the Code of Federal Regulations is amended as follows:

PART 570—SUBMISSION AND REVIEW OF SAFETY AND SOUNDNESS COMPLIANCE PLANS AND ISSUANCE OF ORDERS TO CORRECT SAFETY AND SOUNDNESS DEFICIENCIES

1. The authority citation for part 570 continues to read as follows:

Authority: 12 U.S.C. 1831p-1.

2. A new appendix B is added to part 570 to read as set forth at the end of the common preamble:

Appendix B to Part 570—Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness

Dated: September 29, 1998.

Ellen Seidman,
Director.

[FR Doc. 98-27672 Filed 10-14-98; 8:45 am]

BILLING CODES 4810-33-P, 6210-01-P, 6714-01-P, 6720-01-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 30

[Docket No. 98-13]

RIN 1557-AB67

FEDERAL RESERVE SYSTEM

12 CFR Part 263

[Docket No. R-1018]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 364

RIN 3064-AC18

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 570

[Docket No. 98-106]

RIN 1550-AB27

Safety and Soundness Standards

AGENCIES: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; and Office of Thrift Supervision, Treasury.

ACTION: Interim rule with request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the Agencies) are adopting this interim rule to update their rules of procedure pertaining to safety and soundness standards issued under section 39 of the Federal Deposit Insurance Act (FDI Act). This interim

rule is intended only to incorporate appropriate references to the Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness published elsewhere in this issue of the **Federal Register**.

DATES: This interim rule is effective October 15, 1998. Comments must be received by December 14, 1998.

ADDRESSES: Comments should be directed to:

OCC: Office of the Comptroller of the Currency, Communications Division, 250 E Street, SW, Washington, DC 20219, Attention: Docket No. 98-13. Comments will be available for public inspection and photocopying at the same location. In addition, comments may be sent by facsimile transmission to FAX number (202) 874-5274 or by Internet mail to regs.comments@occ.treas.gov.

Board: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, Docket No. R-1018, 20th Street and Constitution Avenue, NW, Washington, DC 20551. Comments addressed to Ms. Johnson may also be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW, Washington, DC. Comments may be inspected in room MP-500 between 9:00 a.m. and 5:00 p.m., except as provided in § 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14.

FDIC: Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. (Fax number: (202) 898-3838; Internet address: comments@fdic.gov). Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW, Washington, DC, between 9:00 a.m. and 4:30 p.m. on business days.

OTS: Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, Attention: Docket No. 98-106. These submissions may be hand delivered to 1700 G Street, NW, Washington, DC, from 9:00 a.m. to 5:00 p.m. on business days; sent by facsimile transmission to FAX number (202) 906-7755, or may be sent by e-mail to:

public.info@ots.treas.gov. Those commenting by e-mail should include their name and telephone number. Comments will be available for inspection at 1700 G Street, NW, Washington, DC, from 9:00 a.m. until 4:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT:

OCC: Ursula Pfeil, Attorney, Legislative and Regulatory Activities (202) 874-5090; or Brian McCormally, Assistant Director, Enforcement and Compliance (202) 874-4800.

Board: Stephanie Martin, Senior Counsel, Legal Division (202) 452-3198. For the hearing impaired only, Telecommunication Device for Deaf (TDD), Diane Jenkins (202) 452-3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551.

FDIC: Sandy Comenetz, Year 2000 Project Manager, Legal Division (202) 898-3582; Richard Bogue, Counsel, Legal Division (202) 898-3726; or Nancy Chase Miller, Counsel, Legal Division (202) 898-6533.

OTS: Dorothy Van Cleave, National Year 2000 Coordinator (202) 906-7380; or Robert D. DeCuir, Senior Enforcement Attorney, Office of Enforcement, Office of Chief Counsel (202) 906-7152.

SUPPLEMENTARY INFORMATION:

Background and Discussion of Interim Rule

In 1995, the Agencies jointly adopted Guidelines Establishing Standards for Safety and Soundness pursuant to section 39 of the FDI Act. At the same time, each of the Agencies adopted rules establishing procedures for requiring submission of a compliance plan and issuing an enforceable order for violation of safety and soundness standards pursuant to section 39. The general standards for safety and soundness are set forth in an appendix to each Agency's procedural rules. 60 FR 35674 (July 10, 1995).

Elsewhere in this issue of the **Federal Register**, the Agencies are publishing Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness (Year 2000 Guidelines) under section 39 of the FDI Act. 12 U.S.C. 1831p-1. The Year 2000 Guidelines published today will appear as a second appendix to the Agencies' respective procedural rules.

This interim rule makes minor conforming amendments to the Agencies' procedural rules to incorporate appropriate references to the Agencies' Year 2000 Guidelines. This interim rule makes no substantive changes to the Agencies' rules of procedure.

Notice and Comment, Effective Date, and Request for Comment

Section 553 of the Administrative Procedure Act (APA) permits an agency to issue rules without prior notice and comment if the Agency, for good cause, finds that notice and comment are impracticable, unnecessary, or contrary to the public interest and explains its finding when it publishes the rule. 5 U.S.C. 553(b)(B). This interim rule makes only conforming amendments to the Agencies' current rules of procedure to refer to the Year 2000 Guidelines. This interim rule makes no other changes to the Agencies' procedural rules, and it imposes no new substantive requirements on insured depository institutions. Therefore, each of the Agencies finds that prior notice and comment are unnecessary and, accordingly, are issuing this interim rule without prior notice and comment.

Section 302 of the Riegle Community Development and Regulatory Improvement Act (CDRIA) of 1994, Pub. L. 103-325, requires that new regulations and amendments to existing regulations prescribed by a Federal banking agency that impose reporting, disclosure, or other requirements on insured depository institutions shall take effect on the first day of the calendar quarter that begins on or after the date on which the regulation is published in final form. 12 U.S.C. 4802(b)(1). Additionally, section 553(d) of the APA states that publication of a rule shall be made not less than 30 days before its effective date. 5 U.S.C. 553(d). Both the CDRIA and APA permit an agency to select an earlier effective date for good cause published with the regulation. As noted earlier, since this interim rule makes only conforming amendments to the Agencies' rules, each Agency finds good cause to dispense with the delayed effective date requirements.

The Agencies invite comments on this interim rule during the 60-day period that runs concurrently with their request for comment on the Year 2000 Guidelines.

Regulatory Flexibility Act Analysis

An initial regulatory flexibility analysis under the Regulatory Flexibility Act is required only when an agency must publish a general notice of proposed rulemaking. 5 U.S.C. 603. As noted previously, the Agencies have determined that it is not necessary to publish a notice of proposed rulemaking for this interim rule. Accordingly, an initial regulatory flexibility analysis is not required. In addition, since this interim rule imposes no new

requirements on insured depository institutions and makes only conforming amendments to the Agencies' current rules of procedure, the Agencies find that this interim rule does not have a significant effect on a substantial number of small entities or create any additional burden on small entities.

Paperwork Reduction Act

The Agencies have determined that this interim rule does not involve a collection of information pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12866

The OCC and OTS have determined that this interim rule is not a significant regulatory action under Executive Order 12866.

OCC and OTS: Unfunded Mandates Reform Act Analysis

The Unfunded Mandates Reform Act of 1995 (UMA), Pub. L. 104-4, applies only when an agency is required to issue a general notice of proposed rulemaking or a final rule for which a general notice of proposed rulemaking was published. 2 U.S.C. 1532. As noted previously, the Agencies have determined, for good cause, that this interim rule should take immediate effect and, therefore, that a notice of proposed rulemaking is not required. Accordingly, the Agencies have concluded that the UMA does not require an unfunded mandates analysis of this interim rule.

Moreover, the Agencies find that this interim rule will not result in expenditure by State, local, and tribal governments, or by the private sector, of more than \$100 million in any one year. Accordingly, neither the OCC nor the OTS has prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

List of Subjects

12 CFR Part 30

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Safety and soundness.

12 CFR Part 263

Administrative practice and procedure, Claims, Crime, Equal access to justice, Federal Reserve System, Lawyers, Penalties.

12 CFR Part 364

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Safety and soundness.

12 CFR Part 570

Accounting, Administrative practice and procedures, Bank deposit insurance, Holding companies, Reporting and recordkeeping requirements, Savings associations, Safety and soundness.

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set out in the joint preamble, the OCC is amending part 30 of chapter I of title 12 of the Code of Federal Regulations as follows:

PART 30—SAFETY AND SOUNDNESS STANDARDS

1. The authority citation for part 30 continues to read as follows:

Authority: 12 U.S.C. 93a, 1831p-1.

2. In § 30.2, the last sentence is revised to read as follows:

§ 30.2 Purpose.

* * * The Interagency Guidelines Establishing Standards for Safety and Soundness are set forth in appendix A to this part and the Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness are set forth in appendix B to this part.

3. In § 30.3, paragraph (a) is revised to read as follows:

§ 30.3 Determination and notification of failure to meet safety and soundness standard and request for compliance plan.

(a) *Determination.* The OCC may, based upon an examination, inspection, or any other information that becomes available to the OCC, determine that a bank has failed to satisfy the safety and soundness standards contained in the Interagency Guidelines Establishing Standards for Safety and Soundness set forth in appendix A to this part or the Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness set forth in appendix B to this part.

* * * * *

Dated: September 21, 1998.

Julie L. Williams,

Acting Comptroller of the Currency.

Federal Reserve System

12 CFR Chapter II

For the reasons set out in the joint preamble, the Board is amending part 263 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 263—RULES OF PRACTICE FOR HEARINGS

1. The authority citation for part 263 continues to read as follows:

Authority: 5 U.S.C. 504; 12 U.S.C. 248, 324, 504, 505, 1817(j), 1818, 1828(c), 1831o, 1831p-1, 1847(b), 1847(d), 1884(b), 1972(2)(F), 3105, 3107, 3108, 3907, 3909; 15 U.S.C. 21, 78o-4, 78o-5, 78u-2; and 28 U.S.C. 2461 note.

Subpart I—Submission and Review of Safety and Soundness Plans and Issuance of Orders to Correct Safety and Soundness Deficiencies

2. In § 263.302, paragraph (a) is revised to read as follows:

§ 263.302 Determination and notification of failure to meet safety and soundness standard and request for compliance plan.

(a) *Determination.* The Board may, based upon an examination, inspection, or any other information that becomes available to the Board, determine that a bank has failed to satisfy the safety and soundness standards contained in the Interagency Guidelines Establishing Standards for Safety and Soundness set out in appendix D-1 to part 208 of this chapter or the Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness set out in appendix D-2 to part 208 of this chapter.

* * * * *

By Order of the Board of Governors of the Federal Reserve System, September 30, 1998.

Jennifer J. Johnson,

Secretary of the Board.

Federal Deposit Insurance Corporation 12 CFR Chapter III

For the reasons set out in the joint preamble, the FDIC is amending part 364 of chapter III of title 12 of the Code of Federal Regulations as follows:

PART 364—STANDARDS FOR SAFETY AND SOUNDNESS

1. The authority citation for part 364 continues to read as follows:

Authority: 12 U.S.C. 1819 (Tenth), 1831p-1.

2. Section 364.101 is revised to read as follows:

§ 364.101 Standards for safety and soundness.

(a) *General standards.* The Interagency Guidelines Establishing Standards for Safety and Soundness prescribed pursuant to section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p-1), as set forth as appendix A to this part, apply to all insured state nonmember banks and to

state-licensed insured branches of foreign banks, that are subject to the provisions of section 39 of the Federal Deposit Insurance Act.

(b) *Year 2000 standards.* The Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness prescribed pursuant to section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p-1), as set forth as appendix B to this part, apply to all insured state nonmember banks and to state-licensed insured branches of foreign banks, that are subject to the provisions of section 39 of the Federal Deposit Insurance Act.

By Order of the Board of Directors.

Dated at Washington, DC, this 8th day of October, 1998.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

Office of Thrift Supervision

12 CFR Chapter V

Authority and Issuance

For the reasons set out in the joint preamble, the OTS is amending part 570 of chapter V of title 12 of the Code of Federal Regulations as follows:

PART 570—SUBMISSION AND REVIEW OF SAFETY AND SOUNDNESS COMPLIANCE PLANS AND ISSUANCE OF ORDERS TO CORRECT SAFETY AND SOUNDNESS DEFICIENCIES

1. The authority citation for part 570 continues to read as follows:

Authority: 12 U.S.C. 1831p-1.

2. In § 570.1, paragraph (a), the last sentence of paragraph (b), and paragraph (c) are revised to read as follows:

§ 570.1 Authority, purpose, scope and preservation of existing authority.

(a) *Authority.* This part and the Guidelines in Appendices A and B to this part are issued by the OTS under section 39 (section 39) of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1831p-1) as added by section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) (Pub. L. 102-242, 105 Stat. 2236 (1991)), and as amended by section 956 of the Housing and Community Development Act of 1992 (Pub. L. 102-550, 106 Stat. 3895 (1992)), and as amended by section 318 of the Community Development Banking Act of 1994 (Pub. L. 103-325, 108 Stat. 2160 (1994)).

(b) * * * Interagency Guidelines Establishing Standards for Safety and Soundness pursuant to section 39 of the FDI Act are set forth in Appendix A to

this part. The Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness are set forth in Appendix B to this part.

(c) *Scope.* This part and the Interagency Guidelines at Appendices A and B to this part implement the provisions of section 39 of the FDI Act as they apply to savings associations.

* * * * *

3. In § 570.2, paragraph (a) is revised to read as follows:

§ 570.2 Determination and notification of failure to meet safety and soundness standards and request for compliance plan.

(a) *Determination.* The OTS may, based upon an examination, inspection, or any other information that becomes available to the OTS, determine that a savings association has failed to satisfy the safety and soundness standards contained in the Interagency Guidelines Establishing Standards for Safety and Soundness as set forth in Appendix A

to this part or the Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness as set forth in Appendix B to this part.

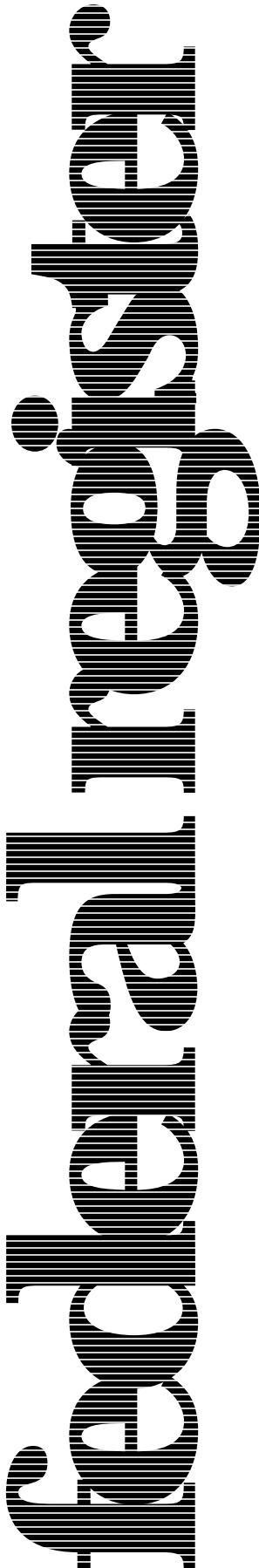
* * * * *

Dated: September 29, 1998.

Ellen Seidman,
Director.

[FR Doc. 98-27671 Filed 10-14-98; 8:45 am]

BILLING CODES: 4810-33-P, 6210-01-P, 6714-01-P,
6720-01-P



Thursday
October 15, 1998

Part V

**Department of
Education**

**Freely-Associated States Educational
Grant Program; Notice**

DEPARTMENT OF EDUCATION**[CFDA NO. 84.256]****Freely-Associated States Educational Grant Program****AGENCY:** Department of Education.**ACTION:** Notice inviting applications for new awards for fiscal year (FY) 1999.

Purpose of the Program: The program provides financial assistance for educational purposes to local educational agencies in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Deadline for Transmittal of Applications: December 11, 1998.

Applications Available: October 15, 1998.

Available Funds: \$4,750,000.00.

Estimated Range of Awards:
\$700,000—\$800,000.

Estimated Average Size of Awards:
\$750,000.

Estimated Number of Awards: six (6).

Note: The Department is not bound by any estimates in this notice.

Project Period: 24 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 77, 79, 80, 81, 82, 85 and 86.

Selection Criteria: The Secretary will use the following selection criteria in accordance with 34 CFR 75.209 and 75.210 to evaluate applications under this competition. In accordance with 20 U.S.C. 6331(b)(2), the Pacific Regional Educational Laboratory uses these criteria in making funding recommendations to the Secretary.

(a) *Need for project.* (25 points)

(1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project, the Secretary considers the following factors:

(i) The magnitude or severity of the problem to be addressed by the proposed project.

(ii) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(iii) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure.

(iv) The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.

(b) *Significance.* (10 points)

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The significance of the proposed project to education in the area to be served.

(ii) The significance of the problem or issue to be addressed by the proposed project.

(iii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(c) *Quality of the project design.* (25 points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(iii) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources.

(iv) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(v) The extent to which the proposed project encourages parental involvement.

(vi) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(d) *Adequacy of resources.* (5 points)

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the budget is adequate to support the proposed project.

(ii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(iii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(e) *Quality of project personnel.* (10 points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of the personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(f) *Quality of the project evaluation.* (15 points)

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(ii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(g) *Quality of project services.* (10 points)

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(ii) The likely impact of the services to be provided by the proposed project on the intended recipients of those services.

(iii) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity and duration to lead to improvements in practice among the recipients of those services.

(iv) The extent to which the services to be provided by the proposed project are focused on those with greatest needs.

FOR APPLICATIONS OR INFORMATION

CONTACT: Valerie Rogers, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3E245, Washington, D.C. 20202-6140. Telephone (202) 260-2543. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday. Individuals with disabilities may obtain this document in an alternate format (e.g.,

Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in alternate format, also by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the

previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1-888-292-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone (202) 219-1511 or toll free 1-800-222-4922. The documents are located under Option G-Files/Announcements, Bulletins and Press Releases.

Note: The official version of a document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 6331(b)(2).

Dated: October 9, 1998.

Gerald N. Tirozzi,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 98-27687 Filed 10-14-98; 8:45 am]

BILLING CODE 4000-01-P

THE BIG BOSS IS IN THE HOUSE

Department of Education

National Awards Program for Model Professional Development; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1999; Notice

DEPARTMENT OF EDUCATION

National Awards Program for Model Professional Development; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1999

Purpose of the Program: To recognize a variety of schools and school districts with model professional development activities in the pre-kindergarten through twelfth grade levels that have led to increases in student achievement. The FY 1999 competition focuses on schools and school districts that meet the eligibility and selection criteria for this program, as published in the **Federal Register** on October 30, 1997 (62 FR 58870).

Eligible Applicants: Schools and school districts in the States (including schools located on Indian reservations, and in the District of Columbia, Puerto Rico, and the outlying areas) that provide educational programs in the pre-kindergarten through twelfth grade levels.

Deadline for the Transmittal of Applications: January 15, 1998.

Applications Available: October 15, 1998. Application packages may be obtained electronically over the World Wide Web at the following site: <http://www.ed.gov/inits/teacher/teach/html>

Individuals not having access to the World Wide Web may obtain a copy of the application package by making a request by fax machine at (202) 219-2198, e-mail at sharon_horn@ed.gov, by calling the U.S. Department of Education at (202) 219-2187 and asking for the application package for the "National Awards Program for Model

Professional Development", or by writing to the agency contact identified near the end of this notice.

Estimated Range of Awards: The Department does not intend to make monetary awards.

Estimated Number of Awards: No more than 10.

Note: The Department is not bound by any estimates in this notice.

Eligibility and Selection Criteria: The eligibility, selection criteria and selection procedures in the notice of final eligibility and selection criteria, as published in the **Federal Register** on October 30, 1997 (62 FR 58870) apply to this competition.

For Applications and Information Contact: To obtain a copy of the application or to obtain information on the program, call or write Sharon Horn, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW, Room 506E, Washington, DC 20208-5644. Telephone: 202-219-2203. Inquiries also may be sent by e-mail to sharon_horn@ed.gov or by FAX at (202) 219-2198. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may also request a copy of the application

package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Electronic Access to This Document: Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>
<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office at (202) 512-1530 or, toll free, at 1-888-293-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219-1511 or, toll free, 1-800-222-4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 8001.

Dated: October 9, 1998.

C. Kent McGuire,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 98-27688 Filed 10-14-98; 8:45 am]

BILLING CODE 4000-01-P

Reader Aids

Federal Register

Vol. 63, No. 199

Thursday, October 15, 1998

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-523-5227****Laws** **523-5227**

Presidential Documents

Executive orders and proclamations **523-5227****The United States Government Manual** **523-5227**

Other Services

Electronic and on-line services (voice) **523-4534**Privacy Act Compilation **523-3187**Public Laws Update Service (numbers, dates, etc.) **523-6641**TTY for the deaf-and-hard-of-hearing **523-5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

<http://www.access.gpo.gov/nara>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

<http://www.nara.gov/fedreg>

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service that delivers information about recently enacted Public Laws. To subscribe, send E-mail tolistproc@lucky.fed.gov

with the text message:

subscribe publaws-l <firstname> <lastname>

Use listproc@lucky.fed.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries at that address.

Reference questions. Send questions and comments about the Federal Register system to:info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, OCTOBER

52579-52956.....	1
52957-53270.....	2
53271-53542.....	5
53543-53778.....	6
53779-54026.....	7
54027-54340.....	8
54341-54552.....	9
54553-55004.....	13
55005-55320.....	14
55321-55496.....	15

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	967.....	54382
Proclamations:	1065.....	54383
7128.....	52957	
7129.....	53271	
7130.....	53541	
7131.....	53777	
7132.....	54027	
7133.....	54029	
7134.....	54551	
7135.....	55309	
7136.....	55311	
7137.....	55315	
7138.....	55317	
7139.....	55319	
Executive Orders:		
13011 (See EO		
13103).....	53273	
13103.....	53273	
Administrative Orders:		
Presidential Determinations:		
No. 98-37 of		
September 29,		
1998.....	54031	
No. 98-38 of		
September 29,		
1998.....	54033	
No. 98-39 of		
September 30,		
1998.....	55001	
No. 98-40 of		
September 30,		
1998.....	55003	
No. 98-41 of		
September 30,		
1998.....	54035	
5 CFR		
430.....	53275	
534.....	53275	
Proposed Rules:		
532.....	54616	
7 CFR		
25.....	53779	
301.....	52579, 54037	
319.....	54553	
354.....	54553	
800.....	55321	
906.....	54553	
922.....	54341	
931.....	55005	
948.....	54342	
966.....	54556	
987.....	54344	
993.....	52959	
1207.....	53543	
1710.....	53276	
Proposed Rules:		
1.....	53852	
225.....	54617	
246.....	54629	
800.....	52987	
8 CFR		
212.....	55007	
245.....	55007	
286.....	54526	
9 CFR		
3.....	55012	
50.....	53546	
77.....	53547	
78.....	53548, 53780, 53781	
93.....	53783	
130.....	53783	
10 CFR		
72.....	54559	
625.....	54196	
Proposed Rules:		
50.....	52990, 54080, 54389	
63.....	55056	
11 CFR		
Proposed Rules:		
102.....	55056	
103.....	55056	
106.....	55056	
12 CFR		
30.....	55462, 55468	
208.....	55462	
263.....	55468	
364.....	55462, 55468	
570.....	55462, 55468	
14 CFR		
23.....	53278, 55012	
25.....	53278	
33.....	53278	
39.....	52579, 52583, 52585,	
	52587, 52961, 53549, 53550,	
	53552, 53553, 53555, 53556,	
	53558, 53560, 53562, 53798,	
	53800, 54938, 54039, 54347,	
	54562, 54564, 54565, 54567,	
	54569, 54570, 55015, 55321,	
	55324, 55325, 55327	
61.....	53532	
67.....	53532	
71.....	52589, 52590, 52591,	
	52963, 52964, 52965, 52966,	
	53279, 53802, 54349, 54350,	
	55329, 55330, 55331	
73.....	53279, 53804	
97.....	54572, 54573	
135.....	53804	
141.....	53532	
142.....	53532	
440.....	55175	
Proposed Rules:		
39.....	52992, 52994, 54080,	

54391, 54393, 54395, 54399, 54401, 54635, 55056, 55059, 55061, 55063, 55065, 55343, 55345, 55346, 55348, 55350, 55352 55290	1710.....54332	39 CFR	3590.....52946
65.....55290	Proposed Rules:	111.....55454	3600.....52946
66.....55290	35.....54422	501.....53812	3800.....52946
71.....52996, 52997, 52998, 52999, 53000, 53001, 53002, 53319, 53320, 53321, 53322, 53323, 53324, 53325, 53747, 54403, 54637, 55354	36.....54422	40 CFR	3860.....52946
147.....55290	37.....54422	9.....53980	
15 CFR	3282.....54528	52.....52983, 53282, 53596, 54050, 54053, 54358, 54585	44 CFR
29.....53564	26 CFR	59.....55175	64.....54369, 54371
740.....55017	1.....52600, 52971, 55020, 55337	60.....53288	65.....54373, 54376, 55035
743.....55017	602.....52971, 55020	62.....54055, 54058	67.....54378, 55037
Proposed Rules:	Proposed Rules:	63.....53980	Proposed Rules:
Ch. VII.....54638	1.....52660, 55355	80.....54753	67.....54427, 55072
17 CFR	53.....53862	81.....53282	46 CFR
275.....54308	27 CFR	82.....53290	28.....52802
279.....54308	53.....52601	148.....54356	107.....52802
Proposed Rules:	28 CFR	180.....53291, 53294, 53813, 53815, 53818, 53820, 53826, 53829, 53835, 53837, 54058, 54066, 54357, 54360, 54362, 54587, 54594	108.....52802
240.....54404	Proposed Rules:	261.....54356	109.....52802
405.....53326	31.....55069	264.....53844	133.....52802
18 CFR	29 CFR	265.....53844	168.....52802
35.....53805	1952.....53280	266.....54356	199.....52802
37.....54258	4044.....55333	268.....54356	351.....55039
284.....53565	30 CFR	271.....54356	503.....53308
Proposed Rules:	48.....53750	300.....53847, 53848	
4.....53853	75.....53750	302.....54356	47 CFR
153.....53853	77.....53750	Proposed Rules:	0.....52617
157.....53853	915.....55025	52.....53350, 54089, 54645	1.....52983, 54073
375.....53853	917.....53252	62.....54090	2.....54073
19 CFR	Proposed Rules:	63.....54646, 55178	20.....54073
4.....52967	935.....53618	81.....53350	64.....54379
24.....55332	943.....53003	300.....53005	69.....55334
20 CFR	31 CFR	745.....52662	73.....52983, 54380, 54599, 54600
Proposed Rules:	586.....54575	799.....54646, 54649	80.....53312
404.....54417	Proposed Rules:	42 CFR	95.....54073
416.....54417	212.....54426	400.....52610	97.....54073
654.....53244	32 CFR	403.....52610	Proposed Rules:
655.....53244	655.....53809	405.....52614	0.....53619
21 CFR	33 CFR	409.....53301	1.....53350, 54090
520.....52968	100.....53586	410.....52610, 53301	20.....52665
522.....53577, 53578	110.....55027	411.....52610, 53301	22.....53350
556.....53578, 54352	117.....53281, 54353, 55029, 55030	412.....52614	25.....54100
558.....52968, 52969, 54352	120.....53587	413.....52614, 53301	43.....54090
573.....53579	128.....53587	417.....52610	52.....54090
814.....54042	165.....52603, 53593, 55027	422.....52610, 54526	54.....54090
Proposed Rules:	Proposed Rules:	424.....53301	61.....54430
216.....54082	165.....54639	483.....53301	64.....54090, 55077
315.....55067	34 CFR	489.....53301	69.....54430
601.....55067	200.....54996	493.....55031	73.....53008, 53009, 54431
872.....53859	675.....52854	Proposed Rules:	101.....53350
22 CFR	Proposed Rules:	416.....52663	
41.....52969	361.....55292	488.....52663	48 CFR
23 CFR	36 CFR	43 CFR	212.....55040
1270.....53580	200.....53811	2200.....52615	215.....55040
1335.....54044	811.....54354	2210.....52615	217.....55040
1345.....52592	37 CFR	2240.....52615	225.....55040
24 CFR	1.....52609	2250.....52615	227.....55040
401.....55333	Proposed Rules:	2270.....52615	230.....55040
402.....55333	1.....53498	3100.....52946	237.....54078, 55040
598.....53262	38 CFR	3150.....52946	242.....55040
888.....52858	3.....53593	3160.....52946	247.....55040
	Proposed Rules:	3180.....52946	252.....55040
	17.....54756	3200.....52946	253.....55040
		3500.....52946	1609.....55336
		3510.....52946	1632.....55336
		3520.....52946	1652.....55336
		3530.....52946	Proposed Rules:
		3540.....52946	1201.....52666
		3550.....52946	1205.....52666
		3580.....52946	1206.....52666
			1211.....52666
			1213.....52666
			1215.....52666
			1237.....52666
			1252.....52666
			1253.....52666

49 CFR

107.....	52844
171.....	52844
172.....	52844
173.....	52844
175.....	52844
176.....	52844
177.....	52844
178.....	52844
179.....	52844
180.....	52844
213.....	54078
268.....	54600

Proposed Rules:

229.....	54104
231.....	54104
232.....	54104
395.....	54432
396.....	54432
571.....	52626, 53848, 54652
572.....	53848
580.....	52630

50 CFR

2.....	52632
10.....	52632
13.....	52632
14.....	52632
15.....	52632
16.....	52632
17.....	52632, 52824, 53596, 54938, 54956, 54972, 54975
20.....	54016, 54022
21.....	52632
22.....	52632
23.....	52632
216.....	52984
217.....	55053
227.....	52984, 55053
285.....	54078, 55339
600.....	52984, 53313
648.....	52639
660.....	53313, 53317
679.....	52642, 52658, 52659, 52985, 52986, 53318, 54381, 54610, 54753, 55340, 55341, 55342

Proposed Rules:

17.....	53010, 53620, 53623, 53631, 54660
20.....	53635, 54753
222.....	53635
227.....	53635
600.....	52676
630.....	54661
644.....	54433
648.....	52676, 55355, 55357
649.....	55357
660.....	53636

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT OCTOBER 15, 1998**FEDERAL DEPOSIT INSURANCE CORPORATION**

Federal Deposit Insurance Act:
Safety and soundness standards; published 10-15-98
Year 2000 guidelines; published 10-15-98

FEDERAL RESERVE SYSTEM

Federal Deposit Insurance Act:
Safety and soundness standards; published 10-15-98
Year 2000 guidelines; published 10-15-98

TRANSPORTATION DEPARTMENT**Coast Guard**

Drawbridge operations:
Wisconsin; published 9-15-98

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:
Airbus; published 9-10-98
Boeing; published 9-10-98
Saab; published 9-10-98

TREASURY DEPARTMENT Comptroller of the Currency

Federal Deposit Insurance Act:
Safety and soundness standards; published 10-15-98
Year 2000 guidelines; published 10-15-98

TREASURY DEPARTMENT Customs Service

Financial and accounting procedures:
Harbor maintenance fee; exporters liability removed
Correction; published 10-15-98

TREASURY DEPARTMENT Thrift Supervision Office

Federal Deposit Insurance Act:
Safety and soundness standards; published 10-15-98
Year 2000 guidelines; published 10-15-98

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Kiwifruit grown in—
California; comments due by 10-19-98; published 8-20-98
Onions (sweet) grown in—
Washington and Oregon; comments due by 10-23-98; published 9-23-98

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Interstate transportation of animals and animal products (quarantine):
Brucellosis in cattle and bison—
State and area classifications; comments due by 10-19-98; published 8-20-98
Brucellosis in swine—
State and area classifications; comments due by 10-20-98; published 8-21-98

Plant-related quarantine, domestic:
Mediterranean fruit fly; comments due by 10-20-98; published 8-21-98
Mexican fruit fly; comments due by 10-19-98; published 8-20-98

AGRICULTURE DEPARTMENT**Federal Crop Insurance Corporation**

Administrative regulations:
Federal crop insurance program—
Nonstandard underwriting classification system; comments due by 10-19-98; published 9-2-98

AGRICULTURE DEPARTMENT**Forest Service**

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and wildlife; subsistence taking; comments due by 10-23-98; published 8-17-98

COMMODITY FUTURES TRADING COMMISSION

Rulemaking petitions:

Federal speculative position limits; increase; comments due by 10-19-98; published 9-18-98

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):
Professional services; proposal evaluations; comments due by 10-23-98; published 8-24-98

EDUCATION DEPARTMENT

Postsecondary education:
Federal Perkins and Federal family education loan programs; comments due by 10-19-98; published 9-17-98

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
Alaska; comments due by 10-23-98; published 9-23-98
California; comments due by 10-23-98; published 9-23-98
Louisiana; comments due by 10-19-98; published 8-18-98
New Hampshire; comments due by 10-21-98; published 9-21-98
Drinking water:
Safe Drinking Water Act—
Public water system program; citizen suits; complaint notice requirements; comments due by 10-23-98; published 9-8-98

Hazardous waste program authorizations:

Georgia; comments due by 10-19-98; published 9-18-98
Oklahoma; comments due by 10-22-98; published 9-22-98

Water pollution; effluent guidelines for point source categories:

Transportation equipment cleaning operations; comments due by 10-23-98; published 9-22-98

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
Wireline services offering advanced telecommunications services; deployment; comments due by 10-23-98; published 8-24-98
Public information and inspection of records;

treatment of confidential information; comments due by 10-20-98; published 8-18-98

Radio broadcasting:

Radio technical rules; streamlining; comments due by 10-20-98; published 8-11-98

Radio stations; table of assignments:

Mississippi; comments due by 10-19-98; published 9-3-98
Oklahoma; comments due by 10-19-98; published 9-3-98

FEDERAL LABOR RELATIONS AUTHORITY

Negotiability proceedings; meetings; comments due by 10-23-98; published 9-9-98
Unfair labor practice disputes; prevention, resolution, and investigation; meeting; comments due by 10-19-98; published 8-24-98

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):
Professional services; proposal evaluations; comments due by 10-23-98; published 8-24-98

HEALTH AND HUMAN SERVICES DEPARTMENT Food and Drug Administration

Human drugs:
Cold, cough, allergy, bronchodilator, and antiasthmatic products (OTC)—
Labeling warnings and directions for topical/inhalant antitussive drug products containing camphor and/or menthol; final monograph; comments due by 10-19-98; published 7-20-98

Medical devices:
Corrections and removals reports; comments due by 10-21-98; published 8-7-98

HEALTH AND HUMAN SERVICES DEPARTMENT Health Care Financing Administration

Medicare:
Hospital outpatient services; prospective payment system; comments due by 10-23-98; published 9-8-98

HEALTH AND HUMAN SERVICES DEPARTMENT Inspector General Office, Health and Human Services Department
Medicare:

Hospital outpatient services; prospective payment system; comments due by 10-23-98; published 9-8-98

INTERIOR DEPARTMENT

Fish and Wildlife Service

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Fish and wildlife; subsistence taking; comments due by 10-23-98; published 8-17-98

Migratory bird hunting:

Baiting and baited areas
Extension of comment period; comments due by 10-22-98; published 10-6-98

INTERIOR DEPARTMENT

Reclamation Bureau

Colorado River Water Quality Improvement Program:

Colorado River water offstream storage, and interstate redemption of storage credits in Lower Division States; comments due by 10-21-98; published 9-21-98

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Maryland; comments due by 10-21-98; published 9-21-98

North Dakota; comments due by 10-21-98; published 9-21-98

Ohio; comments due by 10-21-98; published 10-6-98

Pennsylvania; comments due by 10-19-98; published 9-25-98

Texas; comments due by 10-19-98; published 10-2-98

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Copyright office and procedures:

Phonorecords, making and distribution; reasonable notice of use and payment to copyright owners; comments due by 10-19-98; published 9-4-98

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Professional services; proposal evaluations; comments due by 10-23-98; published 8-24-98

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 10-19-98; published 9-17-98

Boeing; comments due by 10-19-98; published 8-19-98

Burkhart GROB Luft-und Raumfahrt GmbH; comments due by 10-19-98; published 9-17-98

CFM International; comments due by 10-19-98; published 9-18-98

Eurocopter France; comments due by 10-19-98; published 8-20-98

Lockheed; comments due by 10-19-98; published 9-3-98

McDonnell Douglas; comments due by 10-19-98; published 9-3-98

Raytheon; comments due by 10-20-98; published 8-25-98

Stemme GmbH & Co. KG; comments due by 10-21-98; published 9-10-98

Ursula Hanle; comments due by 10-21-98; published 9-15-98

Class D airspace; comments due by 10-21-98; published 9-21-98

Class E airspace; comments due by 10-23-98; published 9-15-98

TRANSPORTATION DEPARTMENT

Federal Highway Administration

Motor vehicle operation by intoxicated persons; comments due by 10-19-98; published 9-3-98

TRANSPORTATION DEPARTMENT

Maritime Administration

Subsidized vessels and operators:

Marine hull insurance; underwriters approval;

comments due by 10-23-98; published 9-23-98

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle operation by intoxicated persons; comments due by 10-19-98; published 9-3-98

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcoholic beverages:

Hard cider, semi-generic wine designations, and wholesale liquor dealers' signs; cross reference; comments due by 10-20-98; published 8-21-98

Wine labels; net contents statement; comments due by 10-19-98; published 9-18-98

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/. Some laws may not yet be available.

H.R. 3096/P.L. 105-247

To correct a provision relating to termination of benefits for convicted persons. (Oct. 9, 1998; 112 Stat. 1863)

H.R. 4382/P.L. 105-248

Mammography Quality Standards Reauthorization Act of 1998 (Oct. 9, 1998; 112 Stat. 1864)

H.J. Res. 133/P.L. 105-249

Making further continuing appropriations for the fiscal

year 1999, and for other purposes. (Oct. 9, 1998; 112 Stat. 1868)

S. 1355/P.L. 105-250

To designate the United States courthouse located at 141 Church Street in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse". (Oct. 9, 1998; 112 Stat. 1869)

S. 2022/P.L. 105-251

To provide for the improvement of interstate criminal justice identification, information, communications, and forensics. (Oct. 9, 1998; 112 Stat. 1870)

S. 2071/P.L. 105-252

To extend a quarterly financial report program administered by the Secretary of Commerce. (Oct. 9, 1998; 112 Stat. 1886)

H.J. Res. 131/P.L. 105-253

Waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999. (Oct. 12, 1998; 112 Stat. 1887)

H.J. Res. 134/P.L. 105-254

Making further continuing appropriations for the fiscal year 1999, and for other purposes. (Oct. 12, 1998; 112 Stat. 1888)

Last List October 13, 1998

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, send E-mail to listproc@lucky.fed.gov with the text message:

subscribe PUBLAWS-L Your Name.

Note: This service is strictly for E-mail notification of new public laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.